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A Layman Looks at Magistrates

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Address given at the Provincial Magistrates' Conference, Winnipeg, December 12, 1958

The administration of justice concerns us all. We attach great importance to the dignity of the individual, value the freedoms of a democratic society and appreciate that our enjoyment of them depends on an efficient and impartial system of administering justice.

The magistrate's role in the administration of justice is, perhaps, the dominant one in maintaining public acceptance of and respect for the law. As a consequence he, more than any other member of the judiciary, must continuously strive to earn the respect of our citizens and their support for the preservation of our way of life.

This is so because magistrates in a very real sense, so far as the general public are concerned, represent the judicial process. By far the largest number of our citizens who run afoul of the law make their first, and in many cases their only, direct acquaintance with the law through a magistrate. He tries over ninety per cent of all criminal offences in Canada. When the infraction of provincial and municipal laws are added to these, the percentage is even higher.

It may truthfully be said that the public's image of the process of law in action is determined by the individual and collective actions and decisions of magistrates.

He is a very important person. When trying an accused, he is the sole judge of the law, decides the guilt or innocence of the accused and decides the sentence to be imposed. The only punishment under the Criminal Code he cannot impose is that of the death penalty.

With a responsibility so great, there is distinct value in maintaining a continuous two-way communication with the general public.

The law is interpreted and administered by professionals—lawyers, magistrates, judges, etc.—and it is very easy for them to develop an unbalanced viewpoint.

I am a lay member of the board of the Manitoba Medical Association. The board has a number of such lay members or trustees. Our chief function is to bring to the medical profession the viewpoints of the man on the street. The purpose of this mingling of lay and professional

members is to ensure that the medical profession more effectively and acceptably serves the public.

In much the same sense the members of the bar and the judiciary may value the views of the thoughtful layman on their activities.

Since I am a layman, you cannot expect that my observations will always be on target, yet with their shortcomings they may still have some value. It is in this spirit, then, that I venture these observations. I have framed them in a series of questions, without always attempting to provide the answers.

Does Your Bias Show?

Magistrates come to the bench with a wide variety of experience and background. This is reflected in their sentences. There are judges who regard sex offences as the worst of all. Others reserve their special disapproval for gambling, narcotic addiction or drinking. There are judges who feel the most heinous crimes are those committed with weapons. There are judges who favour the prosecution and judges who favour the defence. There are severe judges and there are lenient judges.

It is not an easy matter for an individual clearly to see his own intellectual and emotional biases, though most people have them. Because a judge is in a position to impose the pattern of his personal reaction on the individuals over whom he has some control, his particular pattern is of greater importance.

Periodically he should assess his bias pattern in order to make a determined, conscious and continuous effort to keep it from showing in his sentences. This may be more difficult for judges than for most others. A sentencing judge risks the danger of developing the notion that both as a man and as an official he is omniscent and omnipotent.

Interestingly enough this special tendency is a problem with psychologists as well.

What is Your Rating on Acquittals?

Does the accused really get the benefit of the doubt? Is a "not guilty" plea an irritating and unwelcome snag in the smooth functioning of the magistrate's court, particularly in our larger centres? And do you attach too much weight to police testimony? A policeman, like all of us, has his outlook and his judgment shaped by his occupation. His is an unusual occupation in that his working life is spent in dealing with law breakers. All but the best lose their capacity for balanced and objective judgments.

In addition, since the policeman lays the charge, his testimony is naturally designed to convict. One factor in his rating in the eyes of his superiors is his capacity to give testimony in a straightforward, convincing fashion.

It is also possible that police, often unwittingly, encourage prisoners to enter a guilty plea. There could be many reasons for this and time does not permit an examination of them.

Nonetheless a good number of people do plead guilty when, in fact, they are innocent. Two instances have come to my recent attention.

One man was advised to plead guilty to a criminal charge, not realizing that a conviction for any offence is a blemish on his reputation for the rest of his life. When he applied for immigrant status in the United States he was denied admittance and only then realized the immense penalty his guilty plea had imposed. It cost him a good deal to have the conviction reversed.

Another man, convinced of the rightness of his defence, appeared before a magistrate to argue his own case. When he entered a plea of not guilty he had an unmistakable impression that the atmosphere in the courtroom changed and he could not help feeling that the reaction was an unfriendly one. He was convicted. The conviction was set aside after an appeal when he had retained a lawyer.

How many such examples there may be I would have no way of knowing, but the statistics quoted by J. M. Goldenberg, Q.C., in his paper *Administration of Justice* appearing in the Canadian Bar Journal of February this year, is rather disturbing. The gist of his statement is that for many years the people in the prairie provinces have had a lower percentage of acquittals in criminal cases than has been the experience for Canada as a whole.

What responsibility has the magistrate for this record? Surely the police in our prairie provinces are not that much more effective than the police in the other provinces of Canada. There must be a problem here that requires a solution.

I would suggest that your acquittal rating may be one of the yardsticks that would serve you well in assessing the quality of your service to the community. Certainly your attitude and actions can prevent the growth of an impression that it is simpler or cheaper to plead guilty when, in fact, the accused is not guilty.

In our own business we keep careful records of the number of credit applicants who are declined. When the rejection percentage goes above a certain level we make a searching examination to determine if

we are really giving the public the best credit service that we sensibly can. A very high rate of convictions invites the same approach.

What is Your Frustration Rating?

Magistrates are busy people. Many of them are badly overworked. Magistrates need not only time to hear cases, but time to study, to rest and to recuperate. I doubt whether our city magistrates get that time and wonder what special efforts they should make to secure the necessary time.

Perhaps there should be more magistrates. Certain it is that an overworked magistrate is more likely to make some poor decisions, even though he may be aware at the time or shortly after that they are poor. This can be a frustrating experience.

There is another element in the frustration rating. For example, what is your reaction when an accused, in response to your questioning, has nothing to say? Do you interpret "nothing to say" as meaning "nothing to justify the offence", and therefore impose a sentence more severe than you would otherwise impose? Or are you consistently able to remind yourself that the accused person is probably nervous, even scared, and that the environment is unfamiliar? Do you appreciate that he may be unable to express himself or that he may be tongue-tied? In many instances when he says "I have nothing to say" he really means "I have plenty to say".

How may you put him at his ease and improve the justice of your sentence by getting his viewpoint on his problem?

Is Your Court a Police Station?

By this I mean how many police in uniform are around? Many people become aware of a persecution atmosphere and feel uncomfortable in the presence of police. Do we do what we can to keep the number of police in the courtroom to an absolute minimum? Do we do what we can to place them unobtrusively? Or instead, do we allow them to become, in the eyes of the accused, a psychological barrier that denies him real justice?

It seems to me that we should do everything we can to get across the impression that the court of law is not a police station. Perhaps those policemen who are waiting to testify might be called into the courtroom as they are needed. Perhaps those who may be in the courtroom to learn might well be dressed in civilian clothes.

What is Your Courtesy Rating?

When I ask this question I mean it in the broadest sense. What is the courtesy rating of police in apprehending suspects or law breakers?

What is the courtesy rating of people who are functionaries in the courtroom? Finally, what is your own? I think your own attitude can do much to influence the attitude of others. Do you regularly insist that an accused be treated as a citizen? Do you regularly insist that he be treated with courtesy and consideration? Your example can have an immense influence all down the line.

These then are a layman's questions as he looks at a magistrate and I commend the ones you consider of value to your thoughtful consideration.

My own bias pattern would be an extreme one if I did not conclude these few observations by saying that we, in Manitoba, are fortunate in the calibre of the magistrates we have. They do a magnificent job under difficult and trying circumstances. Many of them put in long hours beyond the strict requirements of duty in order that they may enhance the stature of law enforcement.

Une personne expérimentée à titre de membre bénévole du Conseil d'administration de la Manitoba Medical Association *propose diverses manières pouvant permettre à la Cour des magistrats de s'assurer que la justice est bien rendue.*

Sentencing

MAGISTRATE G. W. SCOTT
Vancouver, B.C.

Address delivered to the Western Regional Conference on Parole and After Care, February 1958

When I was asked by Ward Cook to address this gathering I was resistant. I was fully aware that you would be much better informed on the science and theory of sentencing than I. From the limited reading that I had done over a period of years, I could even picture myself as a horrible example of the misguided magistrate. Ward, however, insisted that in my thirty odd years of experience in criminal courts I should have encountered something of value. He even, when requested, loaned me some material to bring me up to date on the subject.

As you can see, I weakened and accepted his kind invitation. I am reminded of a story about the late President Harding. You will remember that he was severely censured for conferring favors in regard to oil concessions of various kinds. He is reported to have said "I find it very difficult to say 'No' to my friends. In fact, if I was a woman, I would be constantly pregnant".

Ward loaned me a book by Leo Page, *The Sentence of the Court,* which deals with the English situation up to 1947. It is very instructive and much of the material can be applied to our courts.

I found that a bulletin put out by the publication "Correctional Research" and entitled *What's new in sentencing* to be even more valuable. This is dated October 1957, and is a compilation of pronouncements and ideas gleaned from one hundred and eight books and papers dealing with sentences. The references date from 1767 to the present. I cannot recommend this article too highly to all of you and to all judges and magistrates.

He also lent me a short article called *Why Judges Can't Sleep.* I already knew the answer to that. Sleep is rendered very difficult by the eternal chatter of counsel and witnesses. With long practice one can overcome this.

I also re-read the Fauteux report and some other useful material, and was armed for the fray.

I propose now to list certain rules that appear to be universally accepted by the experts. To you they are truisms and I will cut them short and simply state that they are subject to exceptions galore. The

only reason I am boring you with them is that I shall be referring back to them in this address.

1. The objects of punishment are two-fold —
   (a) to prevent the commission of crime and to protect the community.
   (b) to promote the correction and rehabilitation of the offenders.
2. Probation, if possible.
3. Short sentences (i.e. under six months) are condemned.
4. Punish the offender — not the offense.
5. Guard against variation in sentencing.
6. Sentencing by rule of thumb is condemned.
7. Vengeance and retribution are not true aims of punishment.
8. When all else has failed throw away the key.
   (I might interject here a remark to me of our beloved defense counsel, Tom Hurley, "How can you be so careless with other people's time".)
9. No fines without known ability to pay.
10. To avoid resentment judges should explain sentences.
11. They should have probation reports.
12. They should be educated.

I am sure that everyone here is familiar with these precepts and I agree with you that no fault can be found with them. Fortunately for all of us there is, therefore, no reason for me to discuss the countless pages that have been written to prove these axioms. I realize that many of them have only become axiomatic in recent years and that they are not recognized by various jurists who have not had the opportunity or inclination to study the matter or have not, as some of us, learned the hard way and grown up with the changes of treatment.

When I started to prosecute there were no recognized probation officers, no New Haven nor Young Offenders Unit. Convicted young persons were sometimes put on probation to report to police inspectors, Salvation Army representatives, ministers, priests and rabbis, and, in several instances, to myself as prosecutor. I don't think I was a good probation officer in the standards of today. I did find a job or two, but as I remember it, my treatment consisted of making myself available at certain prescribed times when the victim called on me. If he didn't tell me a convincing story of meritorious conduct I assured him that he would catch Hell if he came before the court again. It must have been good therapy because, as far as I know, I had one hundred percent success out of probably a dozen cases.

Later, of course, the John Howard Society became the recognized probation resort and then we moved to our present system.

In those early days the machinery could become footloose at times. For the purpose of federal statistics the city jailer was required to make an entry of the religion of all prisoners as they were booked. At one time a Catholic jailer served on alternate shifts with a Presbyterian jailer. A bitter feud developed as to which religion was adhered to by most wrongdoers. They were mutually suspicious that the enemy was posting drunks to suit his convenience. It came to a head when the Protestant came on shift to find that one hundred and twenty Chinese taken in a gambling raid were all posted as Presbyterian.

Well, to come back to my subject, you can see that I, as deputy magistrate in a court averaging about forty cases a day (not including countless inebriates) must derive great benefits by a set of such authoritative rules. Now that I have mastered them sentencing should become a simple matter. During the last two weeks I have consciously studied their application to cases currently before me. With this newly acquired ammunition I met the first serious case for sentencing.

The convicted man is a Serb. He is sixty-nine years old. He has no previous convictions. He served with distinction in World War I, and served again in the Veterans' Guard in World War II. He is happily married and suitably employed. I found him guilty of assaulting and causing bodily harm to a man in his early thirties, who was a professional wrestler of great strength and weighed two hundred and sixty pounds. Over quite a period of time it was alleged that the complainant had been bullying the accused and demonstrating his strength by the squeezing of arms and neck and by insults of all sorts.

Finally, on the day in question, they were both in the same beer parlor and, after some more provocation, the old-timer slipped down to a nearby store and purchased a pick-handle. He came back and in swift rear-attack struck his tormentor over the head three times with great vigor. I have little doubt that the complainant would have been killed if some one had not intervened. As it was, his skull was fractured and he was hospitalized for seventeen days.

I must sentence the attacker and apply my rules. Forget retribution and vengeance. No imprisonment for a first offender. Probation here is not necessary, nor does he need to be rehabilitated. I don't think a penitentiary term would deter others, nor do I think this man is likely to repeat the offence. A short sentence does more harm than good. I need a new rule or I must release him and tell him not to go on doing this sort of thing. He could well have been charged and convicted of attempted

murder. Owing to a technicality arising out of a civil action for damages which has been commenced by the complainant, this man has yet to be sentenced. What say you experts?

In another case I am sure I have offended all the rules. A professional criminal who has been convicted here many times finally left Vancouver for Alberta where he served ten years for robbery. He is a quiet, well-spoken man of about fifty-five or sixty. His conduct in jail has been exemplary. He arrived back in Vancouver and a month later had a few beers and shop-lifted a shirt. He plead guilty and said this was his first slip since his release and that he had really resolved to mend his ways. He spoke convincingly, but then he was always a good talker. I would interpret Mr. Leo Day to say "Obviously a hopeless case. Everything has been tried. It is actually more humane to send him back to the Pen, and the welfare of the community demands it". I broke all my new rules. I had no pre-sentence report. I sentenced him to a useless short sentence — one month — and told him that if he came back again I would throw the book at him. He said he wouldn't. All of which goes to show how hard it is to educate the bench.

In the same test period I sentenced another man, I think for five months, for throwing a bottle through a window. He had served a few short terms for disorderly conduct and he said he did this so that he could go to jail for two months till the weather improved. The damage was $2.50 and the maximum imprisonment was six months. From the standpoint of retribution probably the requested two months was about right, but I thought it unwise to set a precedent that would encourage others to name their own sentences to suit their convenience.

I prosecuted a similar case before the late Magistrate Mackenzie Matheson. There the accused broke a small window and demanded three months. The magistrate stubbornly gave him only twenty days. On the twenty-first day he pleaded guilty to breaking two of Woodward's largest plate-glass windows and angrily demanded the other two months. He got one year.

In fact, in reviewing my sentencing in the past two or three weeks, I find that in about fifty percent of the cases the rules went overboard. I don't want to give the impression that I disagree with them because I do think that they apply to most of the serious indictable offences and to first offenders young and old. I would, however, defy the learned authors to apply them in their entirety to petty offenders even if they are consistent delinquents. I find it impossible to send the habitual criminal to jail for a year or so for shop-lifting a bottle of vanilla extract and taking it out to share with a friend, who drinks part of it, gets drunk and is fined $10 or five days.

It is equally difficult to award a like sentence to an old offender who steals three shoes — all for one foot. You can't rehabilitate these men. Their total thefts for one year would not amount to more than $100 or $200. They are a nuisance to the community, but would the community prefer to pay $1,500 or $2,000 to keep them in jail for a year? Hence the weak-mindedness of magistrates.

I find it useful to apply the rules to first and second offenders. It is easier for me to sentence a youthful offender to nine months definite and nine months indefinite for theft, than to sentence a man to nine months for a petty theft even with twenty such convictions. In the first case I feel that I am accomplishing something; in the latter case I am doing no good to anyone.

Now, let us consider another problem of the magistrate. A man in his late twenties goes into an isolated Chinese grocery store. He is armed with an iron bar, is slightly intoxicated and threatens to kill the proprietor unless money is handed over to him. The shopkeeper manages to raise an alarm and the man is captured. He is a clumsy novice at the game. He has had no convictions except two for drunkenness. There have been a large number of Chinese violently robbed and several have been killed. The public, and the press, are clamorous. At last a victim has been captured. The press desks are well occupied awaiting the long deferred kill.

The pre-sentence report shows a good work record till very recently and gives several good reasons for probation. Character witnesses give evidence. Now, shall the magistrate "sentence the offender and not the offence"? If he does he must release the man on probation and face the anger of the community in general. By far the largest body of public opinion are vengeful and seek retributional punishment in spite of all the rules in the book. Only one writer that I have encountered meets this issue squarely. He says that if the whole community calls for vengeance and retribution in certain offences then the magistrate should become the voice of the community whom he represents and severely punish the offender even though in so doing he is offending the prescribed rules.

Personally, I find that by adjourning the sentence for an appreciable time the uproar subsides, and then, by explaining the reasons for a modification of sentence, some compromise can be arrived at without grave injustice to the convict or to the community. It is awkward, however, when a man with a bad record is charged jointly with a man such as we have just considered. The rule against variation of sentence must be made to read "unreasonable" variation of sentence.

I have just given you one reason for adjourning sentence. There are others apart from the obvious one of waiting for a pre-sentence report.

Magistrates are only human and may be momentarily annoyed at a defiant and insulting convict. I will give you a very mild example of such a case. Some years ago I was prosecuting a lady before a judge with not too long experience on the bench. Her name was Angel. She was a beautiful woman and a capable owner of a thriving business. She was convicted, after a trial, of driving her car through a stop sign. She had given evidence that she had stopped but the magistrate accepted the police evidence. He convicted and fined her $5.

"You are very unfair", stated the woman. "Madame your fine will be $10." "I say again you are unfair and unjust." "Your fine will be $15 and you will leave the court room." She got to the door, turned and said "I still think the same" and ducked out before the magistrate could reply. Of course, all the sentences after the $5 were illegal and I persuaded the magistrate to make his conviction accordingly. However, the lady engaged counsel and appealed to the county court where there was a complete re-hearing. In that court the prosecutor never had a chance. The appellant was sweet as sugar and more beautiful than ever. The judge, in dismissing the charge, said "After all, you know, we can't convict an angel". She was vindicated and saved her $5, although it probably cost her $100 to do it.

The magistrate cannot help but feel annoyed at an accused who fights long and tediously in a case where he cannot help but know that he cannot possibly beat the case. This is particularly so when he flagrantly commits perjury throughout his evidence. In such a case he must be sentenced no more severely than if he had plead guilty in the first instance. If it is necessary to punish him for perjury he should be charged accordingly and not sentenced for that offence on his original charge.

If it is necessary to punish the insulting convict he should be sentenced on a substantial charge of contempt of court.

It has been often said that too much depends on what the magistrate has had for breakfast. I do know of a magistrate who suffered from ulcers and it was a well recognized practice of defending counsel to seek an adjournment if it was apparent that the ulcers were misbehaving. These are all good reasons for adjourning sentence for a "cooling off" period. The adjournment should be long enough for that purpose and not so long as to permit the magistrate to forget the full facts of the case or to forget the impressions made by the witnesses.

In a large city the magistrate cannot help but know the previous record of recidivists who appear before him for trial. Unless the accused takes the witness box no one must mention his record and throughout the trial the magistrate must maintain the fiction and regard him as a first

offender. After some experience he can do this, but nevertheless it is best to adjourn a finding to make sure that the finding has no relevance to your knowledge of the man. In theory he would have been transferred to another magistrate. However there are so many such cases that it is impossible to do this and, in any event, he is also well-known to the others. Then too, the accused, with full knowledge, has elected to be tried by a magistrate when he could have chosen to be tried by a higher court where he would not be well-known.

I recently had such an old professional criminal before me, not as the accused, but as a defense witness. He has retired from his profession on account of ill-health and is being looked after on a pension bestowed by a grateful government. On cross-examination the young prosecutor asked him if he himself had not been convicted many times as a bootlegger. The witness furiously denied this and turned to me for assistance. "Mr. Scott, you've known me for a great many years, tell that young fellow that I never was a bootlegger. Tell him what I was." After he had urged me further, I said "I know you did not bootleg. Your racket was safe-cracking and rolling drunks for the most part." My friend turned triumphantly to the prosecutor and said "That guy knows the score. You should be more careful who you call a bootlegger".

I want to come back again to the cases of public outcry against certain classes of offenders. A year or so ago certain parts of Granville Street became a rendezvous for groups of young people who became almost a menace to passers-by. Once again the public demanded blood. Extra policemen patrolled the beat and there were many arrests. The most common charge was that of disturbing the peace by shouting and swearing. The police found that this course of conduct usually collected crowds and was followed by much more serious misconduct. At that time I broke more rules and fined every vociferous convicted person $50 whether or not he was a first offender.

Unfortunately one of the first of my long-haired victims pleaded guilty just after I had fined a drunk $10 for shouting on Cordova Street, and there was a strong objection to the disparity of the sentences. I followed one of the rules and painstakingly explained that, owing to the frequent disturbances at Granville and Smythe Streets, the tariff there was now set at $50 a shout, but probably it would be less expensive if he shouted in some area where he would cause less disturbance. I can't say that he was too satisfied with my explanation, but I found that after twenty or thirty such fines there were very few incidences of that complaint in that area nor was there any increase in Cordova Street shouting.

This was, of course, an infringement of the "rule of thumb" precept. Incidently I am sure that a magistrate should try to determine in his

own mind a fixed general penalty for a specific offence, but that penalty must be used as a yard-stick only and be very subject to modifications according to surrounding circumstances. For example, I have fixed in my mind a fine of $35 or fifteen days for a first offence of shop-lifting if the offender is an adult. This is subject to reduction to probation if groceries are stolen because of dire need, or may be increased considerably if the thief is comparatively well-to-do and has stolen $15 or $20 worth of merchandise. I find that if I have some such yard-stick and explain the sentence, little resentment follows.

After many years, mainly as a prosecutor, I am surprised at how seldom I have found evidence of bitter feeling towards me personally from people whom I have assisted to penal servitude. Some time ago I was greeted by a man whom I didn't know who informed me enthusiastically that he was once more out of the Pen. I tried to conceal the fact that I couldn't remember him, but he soon found out and was bitterly disappointed in me. He reminded me that, as a result of my cross-examining him in the box, he had slipped to such an extent that he was sentenced to five years. He had not only shouted to me from the prisoner's dock that he would get me as soon as he got out, but he had sent a special message from the jail to the same effect. I did remember him then, but he explained that he wasn't really mad at me but at himself for so stupidly falling into the trap to destroy his alibi. He assured me further that all the inmates of the Penitentiary spoke very highly of me. I asked him what he was going to do next. He smiled and said that what he wasn't going to do was to fall for such a line next time he was in the witness-box.

Now a few words on the sexual offender. Dangerous cases are not hard to deal with once you have the probation reports. The difficult ones are the exhibitionists who alarm women and children by exposing themselves. The public in general do not know they are harmless and resent them very much. They are frequent repeaters and are classified as sick persons. The psychiatrists tell me that jail will do them more harm than good. Probation officers almost invariably recommend probation even for consistent repeaters.

Here is one of the few cases where I frequently refuse to accept the advice given me. I feel the community is entitled to have their women and children walk the streets without being alarmed at such incidents. I will try probation once — sometimes twice — but after that I feel the health of the offender must be sacrificed for the good of the community. I hope that some day a cure will be found because some of these people are in other respects excellent citizens.

I usually follow the recommendations of the probation officers, but I sometimes object to the terms suggested for the bond. I will never order

an alcoholic to abstain from liquor and I will seldom impose a curfew, I feel it is no good making a condition that is bound to be broken and which is not likely to be discovered. I have made conditions that the subject make every effort to remain usefully employed, that he keep away from certain premises or areas, that he shall not associate with certain other people, that he report regularly, and any other reasonable condition that seems applicable. The condition should be such that the magistrate will have no hesitation in punishing the probationer for a breach. I am also sure that if the probationer is convicted and sentenced on another offence, he should receive an additional sentence for breach of recognizance. Otherwise probation becomes futile.

I am not going to deal with alcoholics who appear times without number. I notice that the learned authors also throw up their hands and say that until someone finds a suitable institution to deal with them nothing can be done. The police authorities in Vancouver charge a man as a third offender only if he has been twice convicted in the previous two or three months. If he is so charged the minimum imprisonment is twenty days, but his usual sentence is one or two months. If the law was rigidly applied the records could be checked for as much as five years. If that was done Oakalla would receive at least six hundred one month guests every month from Vancouver. Wouldn't our friend Warden Christie be pleased. There are now at least fifty persons who average two hundred days a year in Oakalla for drunkenness. This group alone must cost us about $50,000 annually. This would go a long way towards maintaining a special institution.

Un des magistrats les plus connus du Canada brosse un tableau très personnel des problèmes auxquels doit faire face le juge de la cour de police en prononçant une sentence.

La culpabilité chez le jeune délinquant

RÉV. PÈRE MARC LECAVALIER, M.S.S.
Aviseur moral
Clinique d'Aide à l'Enfance
Montréal, P.Q.

Il arrive souvent qu'on entende des réactions excessives dans un sens ou dans un autre lorsqu'il s'agit de la réadaptation du jeune délinquant. Certains accordent une permissivité presque complète, d'autres manifestent plutôt une attitude très punitive.

Devant cette façon de penser, ces réactions d'adulte, nos enfants sont souvent déroutés.

Après un questionnaire serré sur la matérialité de certains faits, questionnaire qui gagne parfois en intensité dramatique parce que plus le sujet a l'influence de l'émotivité voire de la sentimentalité, on arrive à la conclusion que nos enfants ont perdu tout sens moral. Notre façon à nous de voir semble objective; et pourtant nous sommes victimes de notre propre-jeu. Si un enfant qui n'a peut-être pas commis des actes strictement immoraux se sent coupable, nous prenons un plaisir de lui faire sentir cette culpabilité: "tu vois, si tu n'avais pas agi ainsi, ta conscience ne te reprocherait telles et telles choses, ce doit être parce que tu l'as fait que tu te sens coupable". Se présente un autre enfant, celui-là vraiment méchant celui qu'on nomme "pervers" et il supporte le poids de ses fautes de la manière la plus sereine. Rien n'y paraît. Aucune culpabilité, aucun aveu. La vie lui semble belle. Face à ces cas, deux dangers nous guettent. Une extrême sévérité ou encore un laisser-faire complet.

La Culpabilité

Il y a tout un monde de différence entre un enfant qui regrette des actes commis et un autre qui se sent coupable pour des actes commis ou non-commis.

Un enfant porté à la mélancolie se reprochera tous les malheurs de son entourage; un enfant obsédé, se croira damné parce qu'il se sera imposé un certain nombre de choses à faire et qu'il aura omis quelques détails insignifiants.

Si l'on prend les cas non pathologiques on assiste à un curieux phénomène. Par exemple dans les cas d'immoralité, plus l'enfant a trouvé de satisfaction dans son corps moins il a de remords. Prenons le cas de nos adolescentes qui fuguent du foyer pour aller vivre quelques temps

avec le beau blond aux yeux bleus; souvent elles nous disent, même si elles sont enceintes; il était si "cute", il m'aimait tellement. D'autre part plus le désir sexuel est fort plus le sentiment de culpabilité décroit et au contraire plus le désir sexuel diminue plus la culpabilité apparaît.

Parfois chez certains enfants la culpabilité n'est pas encore tout à fait inconsciente alors ils se croient obligés de justifier le moindre de leurs actes. Ils se confondent en excuses pour des riens, même ils s'excusent lorsqu'ils trébuchent sur une chaise.

Lorsque la culpabilité est inconsciente nous assistons à des phénomènes étonnants. On observe des actes manqués, des inhibitions, des échecs, des malchances, bref par un ensemble de réactions fâcheuses qui s'expliquent seulement par le besoin qu'a le prétendu coupable de se punir lui-même.

Il faut distinguer

Devant ces observations du point de vue moral, il découle une première observation: culpabilité et faute ce n'est pas la même chose. Si cette notion n'est pas claire, nos attitudes rééducatives seront nettement compromises et le traitement voué à l'échec.

Ce n'est donc pas sur le sentiment de culpabilité que nous devons fonder nos espoirs de corriger nos enfants de leurs vices ou de leurs faiblesses, car loin de contribuer à la formation morale de l'individu, on lui dicte une conduite tout à fait immorale, alors on décourage l'enfant dans ses efforts vers le bien ou encore ce qui est pire on obligera l'enfant à se punir pour des actes non-commis ou imaginaires. Le moyen que l'enfant emploie pour se punir c'est de commettre des actes immoraux et criminels: c'est alors qu'il sera honni et châtié. Il serait trop facile de toujours dire: "Le repentir suit le crime". L'observation de nos enfants a démenti cette assertion.

Pansexualisme?

Quand on regarde la réaction des gens sur les méthodes que nous employons auprès de nos enfants, je suis médusé d'entendre des personnes qui se piquent d'instruction et de culture dire: tous ceux qui s'occupent du comportement humain sont influencés par des théories qui ramènent tout à la sexualité. Quand on observe l'évolution de notre société on observe des phénomènes suivants. Durant le XIX siècle, le sujet de la sexualité était tabou. Après la guerre 14-18 on a vu les adolescents abréagir les excès sexuels refoulés depuis si longtemps. Après la guerre 39-45 on a vu les mêmes adolescents abréagir leur agressivité. C'est dans l'observation de l'évolution de l'enfance qu'on pourra observer comment s'est créé la culpabilité chez un individu. Alors on verra que tout n'est pas sexualité chez nos enfants. D'ailleurs les psychologues qui ont vrai-

ment étudié Freud sont bien d'accord pour affirmer que les théories de l'inconscient chez Freud ne sont nullement pansexualiste, mais que ces théories sont apparues après Freud c'est-à-dire avec Charcot, Havelock, Ellis et autres. D'ailleurs le mot "Libido" veut dire "envie, appétit, désir (non génital).

Il serait ridicule de ramener toutes ces questions de culpabilité à la sexualité et ainsi franchir le pas si facile à faire: chose sexuelle donc péché mortel. Il se sent coupable donc il est en état de péché mortel.

Culpabilité inconsciente

Il ne faut pas l'oublier, la culpabilité a souvent une origine inconsciente. Le moyen de vérifier ce point c'est par l'observation du comportement auto-punitif de l'enfant. Cette façon de voir nous permet de distinguer d'ailleurs entre culpabilité et remords, repentir.

Nous n'avons qu'à observer notre propre comportement face aux fautes que nous commettons. Devant les fautes que nous accusons si légères soient-elles, on trouve toujours le moyen de glisser des circonstances sinon excusantes, du moins atténuantes. Au contraire l'enfant qui se sent coupable vous dira: c'est moi qui a fait telle chose, et j'en ai fait d'autre. J'étais seul, personne ne m'a poussé. Il n'y a pas eu de circonstances atténuantes. Vous savez j'ai de bons parents (même s'ils vivent en concubinage) ils m'ont toujours donné le bon exemple. J'ai tout reçu d'eux. Alors c'est moi qui fait cette chose et si vous saviez le reste . . .

Alors il n'en faut pas plus parfois pour déclancher de notre part une extrême sévérité. L'enfant par cette culpabilité inconsciente réussit à jouer sur nos propres mécanismes. Il est alors facile de glisser dans des interprétations fantaisistes.

Ce qui doit éveiller notre attention, c'est lorsque l'enfant admet tout sans effort et avec facilité il étale tous les détails dans une véritable description pornographique. Ici on risque fort que ce soit uniquement le produit de l'inconscient qui ne connaît, ni la morale, ni la loi, ni la police, ni le juge.

Ne l'oublions pas il n'est pas besoin de pécher réellement pour se sentir pécheur. Prenez l'exemple de l'illégitime, son surmoi ne reconnaît pas son moi, il se croit coupable.

D'ailleurs ces cas où la culpabilité est très marquée se décèle du fait que contrairement à la réalité alors que l'on offre au Seigneur même nos péchés pour qu'il les efface, ici la victime qui s'offre c'est l'enfant lui-même.

Les seuls moyens à prendre devant cette catégorie ce n'est ni l'attitude du laisser-faire ni l'attitude de sévérité c'est d'en arriver à faire passer au plan conscient ce qui est dans l'inconscient.

C'est d'ailleurs ce que nous explique St-Paul quand il dit je fais le mal que je ne veux pas, je ne fais pas le bien que je voudrais . . .

Libération de la culpabilité

L'expérience démontre que la culpabilité vraie, consciente, authentique, normative donne comme réaction quelque chose de sain; par exemple: doute sur un cas de conscience, remords d'une faute commise, tandis que la culpabilité de comportement qui vient de l'inconscient relève du pathologique et exige une thérapie.

Le surmoi inconscient qui dans l'enfance tient lieu de système moral fait normalement place à la conscience morale proprement dite à l'adolescence. Or l'examen clinique nous montre que certains adolescents montrent peu de conscience morale. C'est à se demander si dans leur enfance le surmoi a tenu place de système moral. L'histoire sociale nous indique parfois exactement le contraire.

Alors partant de nos normes à nous et appliquant ces mêmes normes indifféremment, nous sommes stupéfiés de voir ces adolescents nous donner l'impression d'être des dépravés de la pire espèce alors qu'il n'en est rien.

Vous ne sauriez croire en quel état de culpabilité cela les met.

Ce n'est pas un sentiment de culpabilité qu'ils ont car alors ce serait conscient, mais bien plutôt un comportement, une attitude de culpabilité.

Nous qui nous occupons des enfants délinquants que ce soit l'officier de probation, le juge, le clinicien ou l'éducateur nous pouvons créer cette culpabilité chez l'enfant, il s'agit simplement d'opposer une répression forte devant une pulsion pressante et aussitôt l'enfant se sent coupable.

Il y a deux sources qui amènent cette culpabilité, l'une extérieure, venant des interdits excessifs, l'autre intérieure, l'enfant sent en lui s'opposer des tendances contraires dont l'une serait, à un titre ou à un autre, impossible à satisfaire et l'autre bonne. Par exemple: un enfant, par ailleurs complaisant, affectueux, bon, se sent jaloux, se découvre méchant. Sans que l'officier ou l'éducateur lui fassent de reproches spéciaux, il se sent coupable d'éprouver en lui la tendance à un comportement si différent de celui qu'il a eu jusqu'ici. Enfin cette culpabilité naît d'une forte répression disons-nous. Cela n'implique pas forcément des éclats, des coups, bref des sévérités telles que les entendent les adultes. La culpabilité peut naître d'un simple regard, par une voix réprobative.

Beaucoup de nos enfants ont une grande culpabilité quand on les traite sévèrement. D'autres ont de grand malaise et éprouve de l'angoisse quand on leur laisse tout faire.

D'ailleurs on a qu'à observer les enfants qui ont eu des parents très sévères: ils sont angoissés. De même les enfants qui ont des parents mous. L'enfant vous dira "mes parents m'ont rien dit" et l'effort qu'il doit déployer pour suppléer à la carence de ses parents est en fait disproportionné à ses moyens d'où le malaise, l'angoisse.

Remords et culpabilité

Résumons notre pensée au moyen d'exemples. Prenons le cas d'un enfant qui n'a pas reçu d'éducation sexuelle et qui doit faire face à un problème de maturbation. Il ne sait pas quelle conduite tenir, il hésite d'où angoisse de culpabilité. Dès lors, on l'informe, lui indiquant ce qu'il doit faire: la culpabilité tombe. S'il passe outre, il n'aura pas de culpabilité mais du remords.

Le remords tombe avec le temps, la culpabilité est inusable.

Le remords est accessible à la raison, la culpabilité ne se raisonne pas, elle refoule: le refoulé est inusable.

Un enfant qui est justement puni pour un délit qu'il a commis continue, malgré les sanctions, à regretter sa faute. Au contraire un enfant qui a de la culpabilité, du moment qu'il est puni, sa culpabilité tombe, mais il ne regrette en rien sa faute ou son délit. Voilà pourquoi on rencontre certains de nos adolescents qui vont commettre de nouveaux délits pour échapper à leur culpabilité.

La base du traitement de rééducation consiste donc à faire que les autorités extérieures et leurs impératifs deviennent intérieurs, que ces impératifs se constituent en une autorité autonome, en une instance morale qui est bien l'image des autorités extérieures, mais qui en est l'image transformée, puisque maintenant cette autorité interne est capable d'être beaucoup plus exigeante que ne pourrait l'être n'importe quelle autorité extérieure.

Quand nous avons des adolescents qui ne pensent qu'en mal, le désir de mal faire s'érige en eux en système. Ils sont hostiles à tout, même à l'autorité; contre une telle hostilité on utilise les défenses extérieures, par exemple: Monsieur le Juge va te punir, il va t'envoyer à la prison, tout cela est sans effet. Si on réussit à tourner cette hostilité contre lui-même, la culpabilité tombera, le remords apparaîtra alors les défenses extérieures joueront pleinement par se retournement.

Conclusions

Il importe donc de reviser nos méthodes s'il y a lieu. Il faut également tenir compte que nous sommes des adultes et que nos réactions et

nos attitudes ne sont pas celles des enfants. Cependant il ne faut jamais oublier que nous n'avons pas à préjuger de leurs intentions. Nos enfants sont des êtres humains et à ce titre, ils méritent toute la considération de leur dignité humaine, et ce n'est pas parce qu'ils ont commis des délits que nous avons droit de considérer moins que des humains. De plus, ce sont des enfants et des adolescents. Malgré parfois une carapace dure, leur possibilité d'être influencés demeure très sensible. De plus, même s'ils sont incapables d'utiliser totalement leur liberté, nous devons toujours respecter ce dont ils peuvent utiliser de cette liberté et ne jamais atteindre à cette partie sacrée de leur être.

Enfin il est également dommageable de baser notre philosophie de la réadaptation du jeune délinquant sur une attitude moralisatrice. Les systèmes moraux risquent souvent d'être utilisés pour la valeur magique qu'ils apportent sur le plan de la sécurité. Le système peut être bon en soi, mais utilisé à d'autres fins que celles pour lesquelles il est fait. Nos adolescents ont dépassé le stade des semonces mièvres, et lorsqu'on leur érige une série de barrières morales, on risque fort de leur présenter un système de défenses où il n'y a plus de place pour l'amour.

Tous tant que nous sommes, nous avons à porter un message dans notre milieu de vie. Apportons d'abord à nos enfants un message qui mettra en valeur le témoignage de notre propre vie. Comme le phénomène d'identification joue encore beaucoup chez eux, ils essayeront de s'identifier à ce que nous sommes. Notre motivation sera excellente et nous leur apporterons ainsi ce dont ils ont le plus besoin.

Father Lecavalier, who is spiritual advisor to the clinic that serves the Social Welfare Court and the training schools in the Montreal area, discusses the delicate question of the blame we attach to the delinquent child and the blocks to treatment that an overly-moralistic attitude can create.

Community Consideration in Prison Treatment

J. W. BRAITHWAITE, Warden
Haney Correctional Institution
Haney, B.C.

How can prison community living be made to approximate normal community living?

Prisons have long been recognized as constituting what Donald Taft referred to as " . . . a unique form of congregate life, conveniently spoken of as the prison community even though, in sociological parlance, the term may not be entirely accurate".[1]

While the prison community is not the equivalent of the greater community beyond its walls, no one can deny that some correctional institutions do come closer to approximating the normal community than others, depending to a great extent on how much individual initiative and positive motivation is retained by the offender once he is incarcerated.

Those of us who are employed in correctional institutions realize that it is not an easy task to promote a prison community which can prepare an offender for a responsible role in a normal community.

At the same time, we know that all but a very few of those within our institutions must return to society. Yet, despite this knowledge, we are still more concerned with training the offender to live successfully within the prison community than we are in training him to live successfully in that community to which he will return. Such traditional obstacles as overcrowding, limited staff, limited facilities, inadequate classification, and many other problems still prevent progress in this respect. However, it is safe to say that one of the biggest obstacles to keeping the normal community in focus in our correctional programs is our own lack of imagination and/or the heritage of institutional regimentation.

A single example is the matter of men going to work. In a normal community, the average wage-earner assumes the responsibility for getting himself to work on time. Yet in the prison community there is often a fuss bordering on calamity if the trainee does not arise at a given hour, eat breakfast at a specific time, and be paraded to work at an exact moment. Why not let the trainee worry about getting up on time, having his breakfast and reporting to work? Should he be late for work, then appropriate measures should be taken just as his employer would if he were in a normal community.

If an institutional program is designed and fashioned with the focus on preparing a man for life in the normal community, what kind of program results?

The Haney Correctional Institution is a little over one year old, and due to the imagination and experience of its first Warden, Dr. E. K. Nelson, its program is focussed on the protection of society through the preparation of the offender for responsible living in a democratic community.

Basically, individual initiative is engendered, self-determination is fostered, and the man's ultimate return to the community is always kept in mind. This is best exemplified by initial classification. New arrivals undergo a two-week orientation and classification program, which is designed to acquaint them with the various educational, recreational, religious, medical, counselling and other resources of the institutional community.

At the same time, the caseworker is gathering information from the offender, the psychologist, the correctional officers, the educational advisor and others. This data provides a picture of the offender's potential for training within this community for return to the normal community. By the time the offender comes before the Classification Committee, he is aware of the resources available to him and the members of the Committee are familiar with his unique personality and the problems and strengths which it presents.

At this point, pre-release planning commences. The procedure followed by the Committee is not a standardized one except for one simple question. Each man is asked what his plans for the future are and how we may best help him realize those plans. The onus is placed squarely on him to choose from the various training or on-the-job training assignments which are available. Whether he goes to a minimum security satelite forestry camp, one of twelve different vocational shops, or to one of the numerous on-job training areas, he has exercised his initiative and has considered his choice in the light of his future plans.

As in the democratic community, he is granted basic privileges upon becoming a member of that society. When work is done, or school is out, he may move freely within the building and choose his own leisure-time pursuits from the many programs that are available. Sixteen full-time staff members, including a librarian, a social group worker, a physical education instructor, an arts and crafts specialist, and twelve recreational workers are responsible for this program. Choices of leisure-time program range from boxing to dramatics.

But all program, whether it be work, vocational training, religious, recreation, or custodial, is community focussed. The working day approximates the working day on the "outside". Everyone works unless he is committed to hospital. The differential pay scale, progressing from ten cents to one dollar per day, provides an incentive for achieving and maintaining a good standard of work.

Vocational training is carried on by a fully qualified staff of vocational instructors in well-equipped shops. The standards adhered to are the same as those existing in vocational schools in the community and are established by the provincial Department of Education. Academic and vocational instructors are subject to regular inspection by Department of Education officials. In addition, certain advisory committees from the community, representing labour, management, and education, function to keep these programs abreast of developments in the community.

The religious program is, as we would expect in the community, entirely voluntary. A group of trainees works with the Protestant Chaplain as a Church Advisory Council to promote participation in religious programs, but trainees are free to choose between sports and service on a Sunday morning. The Roman Catholic Chaplain has successfully organized a Holy Name Society. Both chaplains have taken trainees to churches within the normal community as a means of helping the trainee toward feeling confident in other than the institutional chapel.

The recreational program is, as already mentioned, entirely voluntary. Participation is, nevertheless, high and the biggest problem facing many trainees is how to choose between programs of competing interest.

Counselling, or casework services, are available to all trainees. A Supervisor of Classification and Counselling plus six caseworkers, a psychologist and a part-time psychiatrist, carry the major responsibility for professional counselling. In addition, several other staff members volunteer time for lay counselling on either an individual or a group basis.

There is a caseworker assigned to each living unit and he is the leader of a training-orientated team composed of himself, the correctional officer and the recreational worker. This team ensures a co-ordinated approach to the individual trainee.

The custodial program is concerned with the traditional responsibilities of preventing escapes, maintaining order and dealing effectively with misbehaviour. As our institution is classified as a medium-security institution and has within its population men who have several penitentiary terms behind them as well as men who have personality problems, a relaxed atmosphere conducive to constructive program has been made

possible through the establishment of good perimeter security. Perimeter security is provided by a steel wire fence and towers. However, within this perimeter movement is fairly free and, as a result, trainees are not constantly reminded of their confinement by continuous checks and the turning of keys.

The custodial program is closely co-ordinated with the training program and the two often meet on common ground. For example, the Disciplinary Panel is composed of the Deputy Warden of Custody and the Deputy Warden of Training. Correctional Officers represent the police force of the institutional community and, as such, they carry out their traditional duties, but, as their counterparts in the normal community, they also counsel individuals, refer them to appropriate resources for help and participate in leisure-time activities designed to help combat, through constructive relationships, misbehaviour.

An amusing example of how a community focus can help maintain order occurred on New Year's Eve, 1957. New Year's Eve has always been an occasion for concern in correctional institutions. In planning program for the occasion, it was decided that the closest we could come to the festivities that were being carried on in the outer world would be a midnight show. The trainees purchased the film and assembled to view it. The chaplain led the assembly in a sing-song as a prelude to midnight. The moment arrived, the men cheered, whistled, and clapped hands for a few brief moments, and then settled back voluntarily to see the film. The only problem that presented itself was how to stop the fire-alarm, which a staff member had set off as a result of his own enthusiasm!

To achieve the ultimate in a community focus in a correctional program, it is not enough to attempt to simulate inside the walls the community that exists outside. Members of the outer community should frequently come within the institutional community, and the offender, himself, must re-enter the outer community whenever possible and desirable. Either movement should be with a positive goal in mind. Either movement will help the offender to realize that society is prepared to forgive and remind the free citizen of his responsibility to the offender.

Visitors to a correctional institution should always be welcome, especially if the staff are confident of the worth of the program within the institution. When visitors, official or otherwise, arrive, they are treated with respect but there is never any attempt made to divert from the normal course of operations no matter what problems may be facing the staff of the institution. Visitors like to feel they are seeing what usually happens and not what is made to happen for them.

The most important visitors we receive are the wives, friends and relatives of the trainees. Visits are of one or two hours' duration and

are on the weekends and two evenings each week. Children are welcome and visiting is conducted in a room physically not unlike the lobby of a good hotel and, psychologically, similar to your own living room. Trainees may embrace their visitors, have cokes together and converse in a relaxed, informal manner. Visitors may park their cars on the grounds within the fence, provided the cars are locked. At Christmas, there is a tree in the visiting room, toys for the children and a cup of coffee and a slice of Christmas cake for the visitors. A caseworker and the chaplains are from time to time invited to share a visit to discuss a problem that is of concern to the whole family.

A special visit is held each month for all next of kin of trainees appearing before the B.C. Parole Board during that month. At this meeting the Parole Board interprets to the man and his family the requirements of parole. The visitors or the trainees are free to ask any questions they desire. Some visitors have come many miles for this occasion and all visitors comment on the worth of this opportunity.

Other visitors to the "inner" community include those who come to offer a service to the program. Numbered among these are the Alcoholics Anonymous, trade advisory committees, the Salvation Army, athletic teams, and many, many more. Social work and sociology students from the University of British Columbia come to the institution on educational tours. Some students from the University of British Columbia Schools of Social Work and Physical Education use the institution as a recognized field-work agency.

Members of the Legislature visit quite frequently to evaluate the program and to increase their own knowledge of corrections. Recently, two members of the Legislature visited for the express purpose of witnessing a meeting of the Trainee Advisory Council. The meeting was held without any warning to the trainees and all who participated enjoyed the experience.

As a result of staff and trainee efforts, several trainee working areas and the whole staff group won safety awards. A combined trainee and staff luncheon was arranged for the presentation of the awards and members of the Canadian Manufacturers' Association, the British Columbia Federation of Labour, and Attorney-General Bonner were present to make the awards.

Plans are presently under way to have representatives of the police come to the institution to discuss with men nearing their release the question of what surveillance and attention they may expect from the police. The Special Placements Officer of the National Employment Service is a regular visitor at the institution, both as an employment consultant to the Parole Board and as an individual employment counsellor

to all men within the institution. The same N.E.S. representative serves the trainee population as well as the administration.

In addition to the visitors mentioned, a regular feature each Saturday evening is a tour of the institution by interested members of the community. Clubs and other organizations may arrange for a group tour, or individual citizens may arrange to see the institution on their own initiative. The tour is held at a time when the majority of the population is at the Saturday evening movie. These visitors, and many others, help make of the institution a more normal community, contribute to program and enhance public relations.

The movement to the normal community by trainees is a frequent occurrence. But, while frequent, it is not unplanned. It is carefully designed to familiarize the trainee with the resources of the community and to increase his own confidence to make use of these resources upon his release. All programs within the institutional community are designed to orientate the trainee to similar programs outside.

Wherever possible, affiliation with similar groups in the outer community is sought. For example, a recently organized hot-rod club within the institution is affiliated to the British Columbia Custom Car Association. Our basketball, softball and soccer teams compete in community leagues. Our boxing club has participated in open tournaments in the community. A member of our track and field team ran in the British Columbia Centennial Games. This same man is now released and coaches a juvenile team in the community. He and two other ex-trainees play on a team in the community that is otherwise composed entirely of staff members of this institution.

Every Sunday, men within our Pre-Release Unit journey to a local Young Men's Christian Association building to swim and to bowl. In addition, all men from the institution are offered honorary membership in the Young Men's Christian Association.

Due to community interest, it has been made possible for us to take interested members of our population to various cultural events in the community. Recently, a group of our men attended a concert given by the Spiritual singer, Mahalia Jackson. Members of our drama group have given readings in the community and have attended play festivals. Trainees preparing for release go to the local town to purchase clothes which they will require and frequently have supper in one of the local restaurants.

Not all trips out are concerned with leisure-time activities or preparation for release. Trainees have entered the community to help develop park and recreational resources for the use of the general public. They

have participated in rescue operations in the near-by forest and have successfully fought forest fires during the fire season. At the moment, a group of trainees are undergoing training as a volunteer fire department, using the fire-fighting equipment of the institution, so that they will be able to combat any fire within the institutional property or in the adjacent community.

The most vital excursions to the community that any trainee makes are concerned with employment and release plans. Men within the institution who desire the services of the John Howard Society, particularly in planning for after care, and who are not serious custodial risks, are taken to the John Howard Society offices in Vancouver. This enables the John Howard Society worker to arrange for joint interviews with the trainee and members of his family. It also provides the trainee with the opportunity of getting to know his worker and the agency as he will find them upon his release.

We are now embarking on a plan of taking men to the larger communities in the Lower Mainland area to seek their own employment. A group of men will journey to, say, Vancouver with a staff member and, upon arrival there, will proceed to interviews previously arranged with potential employers. They will subsequently rendezvous at a pre-arranged time and place for return to the institution. It is also possible for some men who have obtained employment but who have not completed their full sentence to begin employment in the community prior to discharge. These men return in the evening to the pre-release unit or to the minimum security forestry camp.

Evaluation

A focus on the normal community throughout the offender's stay within the institutional community would seem to be a desirable approach to correctional program. This statement is subject to certain qualifications in terms of staff, resources within the institution and the type of offender that the program is designed to help. However, a focus on the normal community throughout the offender's sentence ensures an individual approach to the trainee; enhances a more normal and realistic program within the institution; involves the community in that program; and develops better public understanding of that program. Such a program affects the men it is designed to help in various ways. Some men are eager for the opportunity to recapture lost confidence, exercise their initiative and assume responsibility for their actions.

Other men, frequently those who have served sentences in more regimented institutions and those who are basically dependent, resist the emphasis on individual initiative and self-responsibility. However, through counselling and through seeing their peers develop within program, they

gain security to commit themselves to participation. Others who are considered to be positive enough, nevertheless, because of their dependency, implore staff members and other trainees to make decisions for them.

A great many are of the opinion that, while they realize they are in a correctional institution, it is much better and more helpful than they ever expected. From the point of view of program, this is perhaps the highest compliment we could be paid.

From the point of view of public relations, a program that is community conscious cannot help but develop better understanding on the part of the citizens who foot the bill for our correctional programs. Roberts J. Wright, Warden of Westchester County Penitentiary in New York, in his Presidential Address to the 88th Annual Congress of Correction, stated that one of the greatest concerns correctional administrators had today was for a meaningful and continuing public relations program. He stated that we should give full attention to the need and opportunity of enlisting citizen participation in our correctional programs. It has been said that what we fear most is the unknown.

A community-focussed institutional program, because it involves the citizen, helps to acquaint him with the problems of corrections and with the problems of the individual offender. Once acquainted with these problems, the average citizen is only too willing to help. No matter how good our programs are, we can always use more help.

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[1] Taft, Donald R. *Criminology*, New York: The MacMillan Company, 1956, p. 488.

M. Braithwaite, directeur de prison, discute des efforts accomplis en Colombie-Britannique, à la Haney Correctional Institution, *en vue de modeler autant que possible la communauté de la prison sur la communauté normale.*

The Pattern of Recovery of the Alcohol Addict

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Introduction

Four years after the establishment of the Alex. G. Brown Memorial Clinic, 1,199 male putative alcohol addicts had been selected for treatment from the reform institutions of the Province of Ontario. All selectees had had either numerous convictions for drunkenness or indictable offenses where intoxication was involved. The post-treatment drinking behaviour of this population was examined to determine whether a pattern of recovery from alcohol addiction could be evinced.

Method

The "relapse" was arbitrarily adopted as the unit of measurement of post-treatment drinking behaviour. Further, alcohol intoxication was assumed to be behavioural evidence of the psychodynamic "loss of control" postulated by Keller[1] and others as differentiating between the addictive and non-addictive alcoholic. Hence, from the dictionary definition of "relapse" (. . . specific, to become ill again)[2], the functional definition of relapse for the alcohol addict becomes "to become drunk again".

A proviso of the classification system was that the ex-patient be assessed for no more than one relapse per monthly interval from the date of his discharge from the clinic. This was designed to reduce the possibility of appraising one inebrious bout in terms of a plurality of relapses, without relinquishing the probability that an ex-patient who does relapse more than once within that time span will carry over his unimproved drinking behaviour to the next month. Not only is this procedure mindful of Jellinek's admonition that ". . . a clear distinction should be made between the mechanism which leads from the completion of a bout to the beginning of another on the one hand, and the continuation of drinking within a bout on the other hand",[3] but it also lends itself to facile classification.

Four Rehabilitation Officers are responsible for an accurate account of their respective ex-patients' drinking behaviour. Where possible, the Rehabilitation Officer maintains personal contact with the ex-patient, his family and employer. Other sources of information available to him are the daily magistrates' court calendars for the City of Toronto, monthly reports from county and district jails in the province, communications from the reform institutions, reports from the Parole and Rehabilitation Officers in outlying districts, and the Finger Print Section files of the R.C.M.P. These facilities minimize cases of unknown post-treatment drinking behaviour. The Rehabilitation Officer reports the condition of ex-patients

in his care to the regular monthly clinic meeting, enabling the treatment staff to then classify the ex-patient in terms of having or having not relapsed for that instant.

Results

Of the 1,199 patients, one hundred and forty-seven were unclassifiable. Fifty of this number were not located; seventy-eight were excluded by reason of cessation of treatment for disciplinary purposes, incarceration in general and mental hospitals, readmission to reform or penal institutions, or death; nineteen were removed from the population because their frequent imbibing to the exclusion of drunkenness controverted the original diagnosis of alcohol addiction.

The remaining one thousand and fifty-two patients were classified as of one year from their respective discharge dates as follows:

Relapses	Patients
0	240
1	113
2	85
3	56
4 or more	558

Each of the five relapse-groups of the first post-treatment year was subdivided in terms of the number of relapses in the second year after treatment, excepting, of course, patients who became unclassifiable (Table 1A).

TABLE 1A[a]

FIRST POST-TREATMENT YEAR		SECOND POST-TREATMENT YEAR Number of Relapses						
		0	1	2	3	4+	N	U/C[b]
Relapse Group	0	147	31	15	5	7	205	35
	1	45	13	10	8	6	82	31
	2	23	9	7	11	7	57	28
	3	5	9	8	6	14	42	14
	4+	2	1	7	7	508	525	33
	N	222	63	47	37	542	911	

[a] Although all the conditions of the Chi square are not met, the significance of the data is obvious; and regrouping is deferred for expositive purposes.

[b] Unclassifiable

The values in Table IA, showing the relationship between the number of relapses a patient has in his first year after treatment and the number he has in the second year after treatment, were transformed into proportions (Table 1B).

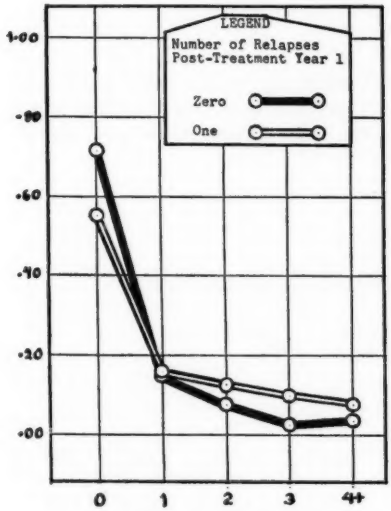
TABLE 1B

FIRST POST-TREATMENT YEAR		SECOND POST-TREATMENT YEAR Proportion of Original Relapse-Group 0	1	2	3	4+	Sum
	0	.717	.151	.073	.024	.035	1.000
Relapse	1	.549	.158	.122	.098	.073	1.000
Group	2	.404	.158	.123	.192	.123	1.000
	3	.119	.215	.191	.141	.334	1.000
	4+	.004	.002	.013	.013	.968	1.000

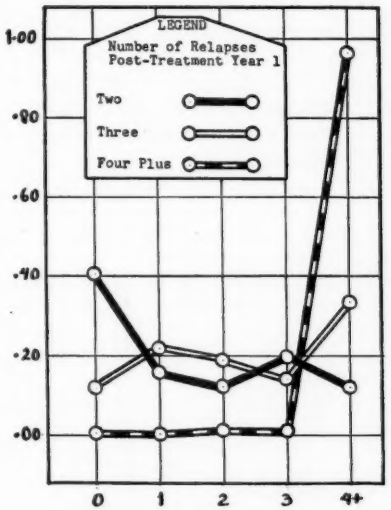
The data from this table are represented in Graphs 1A and 1B.

GRAPHS 1A AND 1B

THE RELATIONSHIP BETWEEN THE NUMBER OF RELAPSES IN THE FIRST POST-TREATMENT YEAR AND THE NUMBER OF RELAPSES IN THE SECOND POST-TREATMENT YEAR



Number of Relapses
SECOND POST-TREATMENT YEAR



Number of Relapses
SECOND POST-TREATMENT YEAR

These graphs emphasize the bimodal distribution obvious in Table IA. Accordingly, the data in the table were regrouped in terms of two-or-fewer relapses and three-or-more relapses in the first post-treatment year (Table 2A).

TABLE 2A[a]

FIRST POST-TREATMENT YEAR		SECOND POST-TREATMENT YEAR						
		Number of Relapses						
		0	1	2	3	4+	N	U/C[b]
Relapse Group	Two-or-fewer	7	10	15	13	522	344	47
	Three-or-more	215	53	32	24	20	567	94
	N	222	63	47	37	542	911	

[a] A cursory inspection of the corner cells indicate a Chi square demonstrating a deviation from chance expectancy significant at the .001 level.

[b] Unclassifiable

Again, these values showing the relationship between the number of relapses a patient has in his first year after treatment and the number he has in the second year after treatment were converted to proportions (Table 2B).

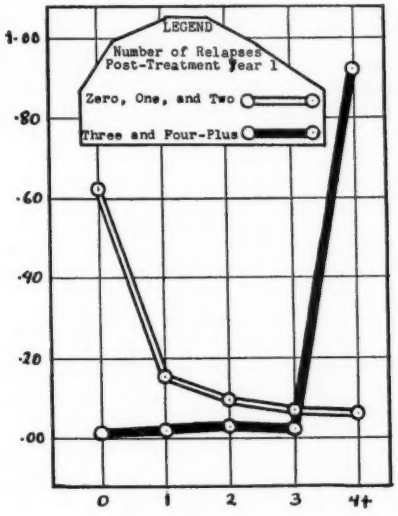
TABLE 2B

FIRST POST-TREATMENT YEAR		SECOND POST-TREATMENT YEAR					
		Proportion of Original Relapse Group					
		0	1	2	3	4+	Sum
Relapse Groups	Two-or-fewer	.625	.154	.093	.$69	.059	1.000
	Three-or-more	.012	.017	.027	.023	.921	1.000

The data from this table are represented in Graph 2.

GRAPH 2

THE RELATIONSHIP BETWEEN THE NUMBER OF RELAPSES IN THE FIRST AND SECOND POST-TREATMENT YEARS



Number of Relapses

SECOND POST-TREATMENT YEAR

Of the population, five hundred and sixty-four had been discharged from the clinic for at least four years. These were classified as of one year from their respective discharge dates as follows:

Relapses	Patients
Two-or-fewer	187
Three-or-more	377

Again, each of the two relapse-groups of the first post-treatment year was subdivided in terms of the number of relapses in the second, third and fourth year after treatment (Tables 3A, 3B, 3C).

TABLE 3A[a]

FIRST POST-TREATMENT YEAR		SECOND POST-TREATMENT YEAR						
		Number of Relapses						
		0	1	2	3	4+	N	U/C[b]
Relapse Group	Two-or-fewer	97	24	16	8	7	152	35
	Three-or-more	5	3	9	7	291	315	26
	N	102	27	25	15	298	467	

TABLE 3B[a]

FIRST POST-TREATMENT YEAR		THIRD POST-TREATMENT YEAR						
		Number of Relapses						
		0	1	2	3	4+	N	U/C
Relapse Group	Two-or-fewer	95	13	15	3	14	140	12
	Three-or-more	11	3	4	1	289	308	7
	N	106	16	19	4	303	448	

TABLE 3C[a]

FIRST POST-TREATMENT YEAR		FOURTH POST-TREATMENT YEAR						
		Number of Relapses						
		0	1	2	3	4+	N	U/C
Relapse Group	Two-or-fewer	87	17	6	7	19	136	4
	Three-or-more	16	3	0	0	287	306	2
	N	103	20	6	7	306	442	

[a] The corner cells indicate a Chi square demonstrating a deviation from chance expectancy significant at the .001 level.

[b] Unclassifiable.

The Two-or fewer Relapse group values of Tables 3A, 3B, and 3C were transformed into percentages (Table 4A) as were the values of the Three-or-more relapse groups (Table 4B).

TABLE 4A

THE RELATIONSHIP BETWEEN THE **TWO-OR-FEWER RELAPSE GROUP** OF THE FIRST POST-TREATMENT YEAR AND THE NUMBER OF RELAPSES IN THE SUBSEQUENT THREE YEARS

Post-Treatment Year	Relapses					
	0	1	2	3	4+	Sum
Two	.638	.158	.105	.053	.046	1.000
Three	.679	.093	.107	.021	.100	1.000
Four	.640	.125	.044	.051	.140	1.000

TABLE 4B

THE RELATIONSHIP BETWEEN THE **THREE-OR-MORE RELAPSE-GROUP** OF THE FIRST POST-TREATMENT YEAR AND THE NUMBER OF RELAPSES IN THE SUBSEQUENT THREE YEARS

Post-Treatment Year	Relapses					
	0	1	2	3	4+	Sum
Two	.016	.009	.029	.022	.924	1.000
Three	.036	.010	.013	.003	.938	1.000
Four	.052	.010	.000	.000	.938	1.000

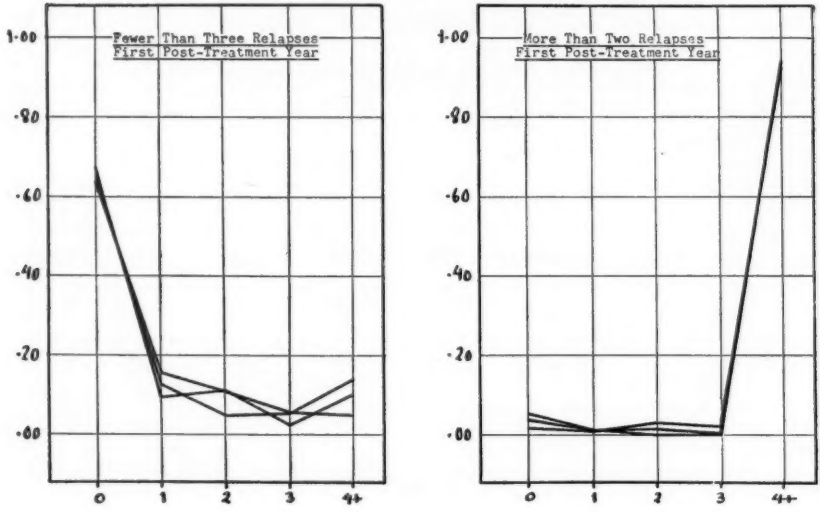
The data presented in Tables 4A and 4B are respectively compounded in Graphs 3A and 3B.

GRAPHS 3A AND 3B

THE RELATIONSHIP BETWEEN THE NUMBER OF RELAPSES IN THE FIRST POST-TREATMENT YEAR

AND

THE NUMBER OF RELAPSES IN THE SECOND, THIRD AND FOURTH POST-TREATMENT YEARS



Discussion

The striking aspect of this data is its bimodal distribution. Graph 2 indicates that the greatest percentage of ex-patients who had zero, one, or two relapses in the first post-treatment year had zero relapses in the second, while the vast majority of those who had three or more relapses in the first year after treatment had four or more relapses in the second. This bimodality is accordant with the oft-expressed conclusion that the drinking behaviour of the alcohol addict is an either/or proposition: recovery yes, cure no.

Graphs 3A and 3B reveal that not only the second but also the third and fourth post-treatment years' drinking behaviour are a function of the first's. Thus, for practical purposes, rehabilitation programs for the alcohol addict need but entail the first year after treatment.

Further, criteria for recovery that extend beyond the first post-treatment year, Bell's[4] for example, would seem to apply to the recovery pattern of alcohol addicts as post facto elaborations.

An expected concomitant of bimodality is the instability of intermediates and the eventual resolution of that instability. Consistent with this is the progressively diminishing frequencies of the combined One, Two, and Three-Relapse columns through Tables 3A, 3B, and 3C. However, the One-Relapse group has a stability that the other two lack, as revealed by the similarity and proximity of the curves in Graph 1A. This general likeness to the Zero-Relapse group can be explained in terms of the therapeutic value of a relapse in impressing upon the recovering, though sceptical, alcohol addict that controlled drinking is indeed an impossibility for him. Thus, when considering alcohol addicts for re-treatment, selection should be from the "somewhat improved" Two and Three-Relapse groups.

Finally, if these results must be expressed in verbal symbols the following is suggested:

Number of Relapses In the First Post-Treatment Year	Behavioural Assessment
Zero to One	Much Improved
Two or Three	Somewhat Improved
Four or More	Unimproved

Summary

The post-treatment behaviour of 1,199 alcohol addicts was examined. The recovery pattern of the first post-treatment year was shown to be prognostic of subsequent drinking behaviour. Suggestions were made concerning rehabilitation programing for the alcohol addict.

1 Keller M. and Seeley J. R. *The Alcohol Language.* Brookside Monograph No. 2, Alcoholism Research Foundation, University of Toronto Press, 1958.

2 Webster's New International Dictionary, Second Edition.

3 Jellinek, E. M. The "Craving for Alcohol". *In*: Jellinek E. M. et al. The "craving" for alcohol. A Symposium by Members of the WHO Expert Committee on Mental Health and on Alcohol. *Quarterly Journal of Studies on Alcohol.* 16: 34-66, 1955.

4 Bell. R. G. "Clinical Orientation to Alcoholism". *Industrial Medicine and Surgery.* 21:6 1952.

L'auteur décrit les cas des alcooliques qui ont été traités à la Ontario Alex. G. Brown Memorial Clinic. Il souligne leur comportement particulier après qu'ils ont quitté la clinique. Il conclut que le follow-up des alcooliques ne doit pas durer plus d'une année après que l'alcoolique a reçu son congé de l'institution où il a été traité.

Narcotic Dispensaries

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There is subtle but unrelenting pressure for legalizing the sale of drugs. The confirmed addict is the most articulate advocate. He has the support of both the armchair planner and the "realist". Their arguments are most persuasive, although frequently based purely on emotional reasoning. "Why should use of narcotics be confined merely to physician's prescriptions?" "It interfers with the principles of human freedom, freedom to drink and the freedom to indulge in drugs." "Prohibition is a dead past." "By legalizing the sale of drugs we would do away with peddlars, pushers, racketeers." "The user himself would not be driven to crime." These arguments sound both reasonable and attractive at their face value. Most addicts quote them and honestly believe in them.

The arguments quoted above, added to the steadily increasing number of addicts in British Columbia and the failure of the police to prevent a steady flow of illicit narcotic drugs to Canada and especially to Vancouver, aroused a number of interested individuals and agencies to seek some solution to the narcotic drug problem. This attempt at solution of the problem gave rise to the preliminary study of the narcotic problem in Vancouver by the Special Committee on Narcotics of the Health and Auxiliary Division of the Community Chest and Council of Greater Vancouver.

This study culminated in the proposals by the Committee on Addiction as outlined in their report of July 1952 and supported by a brief to the Federal Government in December 1952. Briefly, their recommendations supported the following program:

1. Adult and youth education concerning the danger of narcotic addiction.
2. A pilot medical treatment and rehabilitation centre, together with comprehensive follow-up services.
3. Modification of the Opium and Narcotic Drug Act to permit the provinces to establish narcotic clinics where registered narcotic users could receive their minimum required dosage of drugs.
4. Increased minimum penalties for the illegal importation, manufacture and distribution of narcotic drugs.
5. Segregation of addicts in the provincial gaols.

Recommendation number three is spelled out thus:

> The establishment of this register of narcotic addicts would maintain a constant check upon the number of addicts by any community. It would also protect the life of the addict and support him as a useful member of society. The assistance would hasten his rehabilitation, or at least reduce the amount of his addiction since many of the stresses of the addict's life would be reduced.
>
> This action would, within a reasonable time, eliminate the illegal drug trade. The decision to modify the Opium and Narcotic Drug Act in this way would be most violently opposed by those who profit from drug trafficking, and one should expect opposition and interference from such criminals. Nevertheless, no addict will willingly strive for $20 to $50 per day through criminal activities, if unadulterated drugs could be obtained for a few cents at government-operated clinics. The operation of such clinics would not entail any reduction in the vigilance of law-enforcement agencies.

Such narcotic clinics as recommended by the Community Chest and Council were set up in many cities of the United States in 1919. Much the same reasoning was used then, as now, namely:

1. The legal sale of narcotics to registered users would reduce crime.
2. It would allow the drug user to work regularly.
3. The illegal sale and distribution of drugs would be abolished.

The results of these clinics were not what was anticipated. They were abolished in 1925.

Control of sale and distribution of narcotic drugs is relatively recent legislation. Legal sales in various forms have been known and practiced in various countries for many years. Smoking of opium was openly indulged in China for centuries even though imperial edicts were issued forbidding the practice. Opium was legally imported into China as specified in the treaty of 1858 between China and England. The practice of legal importation was carried on well into the twentieth century.

The United States had no national law prohibiting the sale of narcotics until the enactment of the Harrison Narcotic Act in 1914.

Canada's first act dealing with narcotics was passed in 1908. In the same year raw opium was legally imported into Canada for the manufacture of smoking opium in factories in Vancouver, New Westminster and Victoria. Some of these practices had been in existence for twenty years. The Act of 1908 prohibited manufacture, sale and possession of crude opium, except for medicinal purposes. The Opium and Narcotic Drug Act which regulates sale and distribution of narcotic drugs was not passed until 1911.

The philosophy culminating in legislation governing methods of sale and distribution of narcotic drugs and control of illicit trade also gave rise to the definition of drug addiction by the Expert Committee on Drug Addiction of the World Health Organization as "a state of periodic or chronic intoxication, detrimental to the individual and to the society, produced by the repeated consumption of a drug (natural or synthetic)". This definition is preferred to one of Dr. Dent of England which implies that an addict is normal when he is intoxicated by a narcotic drug.

Both the Opium and Narcotic Drug Act of Canada and the Harrison Act of the U.S.A. were framed as a measure of self-protection for the user and for the protection of society generally. Some people are of the opinion that narcotic drugs are neither detrimental to the individual nor to the society. "Therefore one who prefers heroin to alcohol should have the legal right to the drug of his choice."

There is, of course, no scientific evidence to support the claim that heroin has direct adverse physical effects except by inadvertent overdose. Nor is there conclusive evidence that organic damage occurs in a direct cause and effect relationship except on a basis of nutritional deficit or general physical neglect.

There is evidence, though, to suggest the following detrimental factors caused by narcotic drug use:

1. Reduction or inhibition of internal controls and weakening of judgment.
2. Impairment of reliability and constructive planning and promotion of rationalization.
3. Impairment of reproductivity.
4. Interference with normal earning capacity.
5. Reduction of response to normal stimuli.

These are only a few detrimental aspects associated with narcotic addiction. The Chinese Government believed that narcotic drugs exercised a deteriorating influence on users and thus contributed to national poverty and social degradation. A report made in 1921 by a member of the Committee on Narcotic Drugs of the American Medical Association refers to the narcotic drug habit as "a vice that causes degeneration of the moral sense, and spreads through social contact, readily infects the entire community, saps its moral fibre, and contaminates the individual members one after another, like the rotten apple in a barrel of sound ones".

The above named factors and assertions, though not completely scientific, may in themselves justify the definition set forth by the Commit-

tee of the World Health Organization and the Acts prohibiting use of narcotics except for medicinal purposes.

The legal sale of narcotics to registered users would reduce crime. This statement is frequently quoted by users, by "realists", and by self-appointed experts in the narcotic field. They state that the opponents to narcotic clinics are unable to identify with the users because of judgmental attitudes inherent in the belief that all addicts are criminals.

Health Minister Paul Martin, in his statement to the Special Senate Committee on Traffic in Narcotic Drugs in Canada, reported a total of 3,212 drug addicts in Canada. Two thousand, three hundred thirty-four of these are criminal addicts. In comparison there were five hundred and fifteen medical addicts and three hundred and thirty-three professional addicts. The Health Department records showed only twenty-six addicts under the age of twenty. "These young people, however," he said, "were not attending school when they became involved in this traffic and were already known to the police for juvenile delinquency in one form or another".

In 1948-49 the Canadian Government conducted a study of narcotic criminality. It showed that ninety-three per cent of those convicted of narcotic offences during the period under review had committed at least one crime prior to the first narcotic offence. Some had committed as many as twenty-seven other crimes prior to the first narcotic conviction. The Canadian authorities concluded that over ninety-five per cent of all drug addicts are criminal addicts; that is the addict was a criminal before becoming addicted: addiction was caused by criminal association.

Further, many professional people who have had any contact with professional addicts questioned the performance of their duty when they were under the influence of the drug. One may note at this point that the three hundred and thirty-three professional addicts may be classified as delinquents if not criminals. They are delinquent by definition. That is, they are violators of statutes relating to illegal use of narcotics. This conclusion is a personal one and depends largely upon my definition of delinquency: "A person who in his behaviour falls away from the customs and mores of the social organization".

Dr. Stevenson and the University of British Columbia Research Group recently completed a study of four hundred addicts consecutively convicted from September 1, 1954, to April 4, 1955. This study, compiled, from addict's own claims and confirmed by official records, corroborates the Dominion Government's conclusions. It is also worth noting that seventy-five per cent of the latter group were heavy users of alcohol before starting narcotic drugs and had frequently been in trouble through alcoholic excesses.

The above statistics are self-explanatory. The majority of these addicts were well established in a delinquent career before they started drugs. The starting of drugs is usually preceded by a lengthy period of unsatisfactory or delinquent behaviour and close association with other delinquent persons. The use of drugs is thus a further step in a delinquent career.

The promoters of narcotic clinics suggest that "such clinics would support the addict as a useful member of society".

The above statement suggests that addicts, receiving drugs legally, would be encouraged to seek gainful employment. There are no grounds to substantiate this conclusion. The narcotic clinics in the United States gave no support to such a theory. Neither does the detailed study of the employment record of addicts in this province. Moreover, there is a definite indication that a poor work record preceded the use of narcotics. This was true in more than seventy per cent of the addicts in the previously named study. Continued use of narcotics only further increased the addict's unsatisfactory occupational adjustment.

Further, due to the peculiar mechanism of "tolerance", the average heroin addict must increase his dosage to get the effect initially experienced. If his drug need is completely satisfied he feels too comfortable or too drowsy to work regularly. When his need is not satisfied he is sick. He must take time out to "take a fix". There is no dosage at which the addict can maintain a happy equilibrium. Legal or illegal use of drugs will not improve one's capacity for work or change his lifetime habit of instability.

The illegal sale and distribution of drugs would be abolished through narcotic clinics as advocated by the Community Chest study. Hopefully, one would expect this to be the case. Theoretically, yes: from a practical point of view, no. Illegal sales closely paralleled legal sales where such clinics were established. This was especially the situation in China and the United States. Narcotic clinics, at best, can only supply a minimum dosage. Traffickers will still supply the difference between the minimum and the desired amount requested by the user. This would, of necessity, involve the addict in crime to secure funds for such a purchase.

The legal sale of alcoholic beverages did not eliminate the bootleggers. Nor has it solved the problem of alcoholism. We are paying a tremendously high price, directly and indirectly for the privilege of being able to buy alcoholic beverages legally.

Legal sale of one narcotic does not in itself justify legal sale of another.

Promoters of narcotic clinics support the idea that narcotics would lose their glamour through legal sale. Surely this is a fallacy. Alcohol has not lost its glamour through legal sales. It is very likely, by the same token, there would be an increase in the number of users of narcotics if such were made available through free narcotic clinics or legal sale. Thus the establishment of clinics would simply foster the spread of narcotic addiction.

Furthermore — and this may be the strongest argument against narcotic clinics in any form—the habit-forming propensity of the narcotic drug is very great, and the margin of safety between addiction and non-addiction very small. And further, if both treatment clinics and dispensaries are provided, it would be too convenient for the user of drugs to persist in the habit rather than to accept proper assistance.

The advocates of dispensaries frequently refer to the British system as Utopia. Addicts can get their drug requirements legally without cost and they can be employed regularly and thus avoid the hazard of arrest and imprisonment. The British system is the same as the Canadian and American system. A doctor may not have or use the drug for any purpose other than that of ministering to the strictly medical needs of his patients. The continued supply of drugs to a patient, either direct or by prescription, solely for the gratification of addiction is not regarded as a medical need. The advocates of the free narcotic clinics and the British system most surely feel that if they make it simple, say it often, true or false, the public will believe it.

In summary, therefore, evidence supports the following:

1. It is impossible to maintain addicts on a uniform level of dosage.
2. Ambulatory treatment of addiction is impossible.
3. Narcotic clinics would recruit new addicts.

However, should narcotic clinics be established, the following factors would need to be seriously considered:

1. Clinics will need to be established in all large centres of population to avoid migration of drug addicts to one centre.
2. Clinics will need to be open at least eighteen hours a day. Heavy users of drugs require a dosage every two to four hours.
3. Will drugs be administered by the physician at the clinic or will the user be able to take a supply home for self-administration?
4. Will the drugs be provided free of charge? Where will the user secure funds if costs are involved?

5. Will the user be provided social assistance? He will not work if he receives a desired dosage. He will not be able to work if he falls short of his needs.

6. Will the clinic provide various narcotic drugs? Some users prefer heroin, others cocaine, and still others, morphine.

7. Will the children of the addict remain with his parent? Will they attend local schools? Addicts can hardly be fit parents. They will not be able to set themselves as examples to their children. Children in the community will be critical in many instances of the addict's child.

8. What recreational program will be provided for the addict whose drugs are provided by the clinic? Will he be allowed full association in the community? He will have much free time.

9. Will housing be provided for the user in close vicinity to the clinic? Should the clinic be established some forty or fifty blocks from the addict's home, will the government provide free transportation? How else will the addict move to and from the clinic?

10. Will the clinic provide beds for the users who live some distance from the clinic? Should they require a "fix" every two hours, this would not allow them time between visits to the clinic.

From the various factors thus outlined it would appear to be in the best interests of the drug users and the community to have drug addicts isolated if they are provided with drugs. One could not expect that the addict colony would be self-supporting as suggested by many. The addicts would not work if they received drugs according to their desire. They would be too sick—physically and psychologically—if they did not receive a sufficient amount.

Le Canada devrait-il, à l'instar du système britannique, mettre sur pied des cliniques où les toxicomanes pourraient se procurer à peu de frais le dosage minimum exigé par leur état? Cet auteur penche pour la négative.

A House Can Be a Home

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An experiment in providing group living arrangements for discharged women offenders.

"I have nowhere to stay when I get out of here" is the oft-repeated complaint of the girl or woman who is in custody. This whole problem of accommodation for the woman offender following her release is one which has given both the board and the staff of the Toronto Elizabeth Fry Society much concern since the opening of this agency some five years ago.

About two years ago it was decided that a committee should be set up to look into the advisability and possibility of establishing a small residence which would be available for the clients of this agency on the recommendation of the caseworkers. In this article an attempt is made to chart the progress of the project and to indicate some of the values and difficulties which have been encountered during the first year of the experiment.

The committee gave thought to a variety of questions:

Is there sufficient indication that a residence is needed and will be used by those served by this agency?

Part of the answer to this question came from the replies to carefully worded questions which were introduced into conversations with clients, sounding out their feelings about staying in a residence established primarily for the girl just out of custody. Replies showed that many girls and women would be prepared to use such a facility.

Another indication of the clients' acceptance of such a plan was the increasing use by clients of a room in the agency which was made available to them where they could watch television, read, listen to the radio, chat with their friends and make a cup of tea. When special events were held, such as a Christmas party, the attendance by a wide variety of clients also suggested their readiness to participate in some social activities in the agency setting.

The third factor taken into consideration was the record of the many situations faced by the caseworkers where they would have been able to use a residence if one had been available.

How large should the residence be and where should it be located?

In answering the first part of this question it was necessary to give consideration to the purpose of the residence. Did one think of it primarily for temporary or permanent accommodation? Should it be regarded as an experiment, or was there already sufficient indication of need to warrant launching into a big undertaking at once? After considering these and similar points, it was decided to undertake this as an experimental project and to think in terms of a small residence offering temporary accommodation only.

The question of where it might be located was then answered relatively easily. On the third floor of the building in which we have our office was an empty four-room apartment. If the residence were there it would mean a close tie-in with the major work of the Society, would permit ready supervision and would not involve too much expense, and so arrangements were made to rent the apartment. Fortunately the office is located in a part of the city which is suitable for a residence.

How would it be financed?

As this was an experiment, the financing could not be assumed by the United Community Fund, of which we are a member. Approaches were made to various foundations and service clubs. Almost immediately we were fortunate in being offered $1,000 by the McLean Foundation to enable us to get the necessary electrical work done in the apartment. About the same time the Junior League of Toronto undertook to finance the project for a two-year period. The United Community Fund officials indicated they would be willing to assume responsibility for the residence at the end of the two-year period if the venture proved to be a success.

The exploratory stage was now over and the project moved into the second stage. With the advent of the Junior League into the project plans were developed in partnership with them.

A committee of Junior League members decorated and furnished the House. Simple but attractive furniture was purchased. Bright, warm colours were used. A home-like atmosphere was created. Accommodation was provided for six girls.

A joint committee of Junior League and Elizabeth Fry Society members was formed as a standing committee of the Elizabeth Fry Society Board. This committee develops policies relating to the House which are passed on to the Board for discussion and ratification. Because the money for the project is provided by the Junior League, the House Committee handles the financial business.

In December 1957 The Elizabeth Fry House was officially opened by the Minister of Reform Institutions.

There are many aspects which might be considered in relation to the House but as space is limited I have confined my comments to seven main headings: staff, volunteers, clients using the House, regulations, problems related to the House, values resulting from the use of the House and conclusions.

Staff

As is true in so many situations, the basic factor in the success or failure of the project has been in the choice of the staff member who carries major responsibility for the work.

It was decided to employ a full time house mother and a relief staff member who would cover the House on the house mother's days off.

Our first choice was a woman in her mid thirties, a graduate nurse with experience in working with young women and in handling emergency situations. At her request the job title was changed to House Director. Following a trial period of three months she decided that the job was not for her. On the basis of our experience during this three month period we were in a better position to assess the qualifications necessary for the job and we realized afresh that what was required was a house mother and not a house director.

The following are some of the basic qualifications we saw as necessary for our house mother:

1. This person must have a primary interest in people and must be able to enjoy and accept people of all kinds.
2. She must have a well-established philosophy of life, based on deep religious convictions.
3. She must be able to absorb a tremendous amount of hostility without getting too emotionally involved herself.
4. She must be a person who can create a friendly, warm atmosphere and be able to run a home successfully, providing good meals and keeping the house in order.

We decided that a professional person would probably find the job frustrating as the work of the house mother is to build a home, with herself as the mother figure, and not to function as a social worker or teacher and our experiences would indicate that the health problems in such a residence do not warrant the employment of a nurse.

We were fortunate in being able to obtain a person as house mother who fulfills the qualifications to a very high degree. In working with her some fairly definite procedures have evolved:

(a) The house mother has responsibility for what goes on in the House, including such matters as seeing to the health and happiness of the residents, and organizing and delegating work around the House.

(b) The house mother is obligated to discuss serious breaches of rules and indications of emotional disturbances with the caseworker concerned. This is made clear to the girl before she comes into the House.

(c) The caseworker, in consultation with the house mother, decides whether or not a client will come into the House and when she will leave the House.

(d) The caseworkers are expected to arrange for interviews with clients in their office and are discouraged from getting involved in discussions about personal matters with clients when they are upstairs.

Volunteers

One of the conditions of Junior League participation in this project was that the Junior League would give volunteer service in the residence. After much consideration, it was finally decided that there are four main ways in which volunteers can serve the House, particularly during the house mother's time off each day.

It has been found that girls coming to the House want someone *with* whom, and particularly *to* whom, they can talk, someone who will listen and not pre-judge, who will hear, but take no action unless it is obvious that the girl needs immediate help, who by listening can often help the girl in sorting out her feelings and attitudes as she hears herself talking out loud about them. And so, the first job which the volunteers do is just to listen.

Then there is the practical part of having someone on hand to see that meals are ready, to welcome the new arrival to the House, and to show her where she is to sleep and where she can put her clothing.

A third job is that of helping to maintain a relaxed atmosphere in the House. This does not mean that tempers are not allowed to flare, that emotions may not be expressed, but it does mean that there is control on the situation so that more unhappiness is not created.

And finally, the volunteer, by bringing her knitting or her mending or some other type of handwork with her, often encourages the resident to join her in this type of activity.

Naturally very careful thought went into the selection of these volunteers and training was given to them before they started to work in the House. This has been an experience in which both the clients and the volunteers have made real gains. It should be said that the success of the House is due in no small part to the excellent contribution which the volunteers have made to the life of the House.

Clients Using the House

During the first twelve months following the opening of the House seventy girls were admitted as residents, several of them spending more than one period in the House. They came directly from the penitentiary, the provincial reformatory, the local gaol, the court and the police. They came after having spent a period in the community following their release from custody, asking this special help of the agency. They varied in age from sixteen to sixty-six. Their offenses ranged from being found drunk in a public place, to manslaughter, with theft, drugs and vagrancy included in the widely varied reasons for which they had been arrested.

They came to the House with many motives. Some, and I would believe the majority, came because they thought if they could have the security of the House they could meet the problems which face them as they gain their liberty—the getting and holding of a new job, withstanding the attraction of the old crowd on the corners, beating that overpowering sense of loneliness and so on. For a goodly number their hopes have been justified.

Some came because they thought it would be an easy way to get room and board with little effort on their part. In most cases these girls stayed only a short time, leaving either because they found the limits of the House too troublesome, or because the caseworker and house mother decided they were not prepared to use the House properly.

Some came because it was felt that they needed physical or psychiatric help and would accept it more readily in such a setting. A number have been able to get this special help and have moved into hospital from the House.

Some came because they were running away from situations and/or from themselves. Their being in the House for a period gave the caseworker an opportunity to work with them when they were not under such pressures and many have been helped to face their problems realistically.

Some have used the House at times of crisis, such as between jobs or after leaving hospital before they are able to work again—the times which might so easily have resulted in another breakdown for them.

A significant number have come to the House, have left and after getting into difficulty once more have then made the grade, perhaps after coming to the House a second time.

The length of stay has varied from one night to about three months with the majority staying between three and four weeks. Those who have spent longer periods have for the most part either done so because of illness or because they have been taking a course. With our present facilities we would be inclined to believe that except in unusual cases a period of more than one month is not desirable.

Regulations

Every effort has been made to keep regulations to a minimum. Already we have altered them several times. Before establishing a regulation it is discussed with the girls in residence and as new girls come to the House we have tried to help them see the reasons behind the regulation. The main regulations are these:

(a) Girls are expected to be in by eleven o'clock each night, except on Saturday when they may obtain late leave.
(b) Liquor may not be brought into the House and girls are expected not to come into the House in an intoxicated condition.
(c) Girls are expected to keep their own section of their bedroom clean and tidy and help in the general work of the House.

As in any communal-living project the participants need to learn to give and take. If people talk all night it keeps others awake and so it is assumed that the House will be quiet soon after eleven o'clock. If one is not going to be in for a meal it is a courtesy which is expected that one will call the house mother and let her know. These and many other procedures which have developed are not written down as regulations but are becoming a tradition in the House and as new girls come into the House, those already in residence help to initiate them into the routines.

Problems

As so often happens, those problems which we had most anticipated have, for the most part, not occurred while other problems which were unforeseen have developed. We had foreseen as a major problem, that of girls bringing liquor into the House or arriving in a thoroughly intoxicated condition. Both these situations have occurred but much less frequently than we had expected, and there has been little difficulty in handling those that have arisen.

We were concerned about the introduction of drugs into the House. It is quite possible that on two occasions girls did bring drugs in but the matter was brought quickly to the staff's attention and necessary action was taken.

We knew that a number of girls coming to the House would be homosexuals and we anticipated difficulty in this area. Careful watch has

been kept on this problem, but while a few girls have tried to involve others in lesbian activities, the general attitude of the other girls in the House has managed to hold this problem in check.

Questions were raised as to the probable danger of clients taking unfair advantage of volunteers whom they got to know in the House. This fear has so far proved unfounded.

Perhaps the most difficult problem has been in making decisions regarding the time when a girl should be asked to leave the House. Factors which are taken into consideration are such things as: What are the positive benefits which she is able to receive from a continued stay in the House? Is she able to accept the limits of the House? What is her expressed feeling about the House especially when she is under strain? Has she made any progress since she came to the House? Would a further stay in the House actually delay her rehabilitation? Sometimes we have asked a girl to leave the House and later felt that with her own changed attitudes she could now gain from a further stay in the House and she was invited to return.

Somewhat connected with this problem is the question of the attitude of the group on the corners when they feel that a girl is merely using the House without gaining any real benefit from it. While, of course, their attitude must not be the deciding factor, we are inclined to think that if the idea gains a hold that one can stay here without making any effort, it would make a real extra hurdle which a girl who is in touch with that group has to clear before she can make the best use of her stay in the House.

There have been a few instances where a girl in the House who has a problem with drinking has encouraged another girl also with this problem to go out and get a drink with her and both have got drunk. The same situation probably has occurred in relation to prostitution, although if a girl has decided to continue prostituting it is unlikely that she would wish to stay in the House.

Some relatively simple problems revolve around the fact that we have three girls sharing a room. Clothing is so easily borrowed and not always returned. Stealing of valuables has occurred on a couple of occasions but has been far less of a problem than was anticipated.

These have been our main problems and as we gain in experience we hope to learn how best to cope with them.

Values

The most important values are not, as usual, the most readily seen or assessed. One can point to the girl who had failed to make good when

she has been living by herself in a rooming-house but who, after a short stay in the Elizabeth Fry House, has continued to hold a job and to live a relatively satisfactory life in the community. This, of course, is a very important value in having a House, but other less apparent values are there too.

For many it is their first experience of an ordered home situation where, without threats, people learn to live together, sharing each other's sorrows and pleasures, each learning to carry his share of the work. Going shopping with the house mother can be a real lesson in good buying methods. Eating balanced well cooked meals is an incentive to have meals such as these when one establishes one's own home.

In the discussions which so often take place around the table or after the meal the group will often work through problems which are facing one of their members. Girls who have had trouble with drinking see themselves in the girl who arrives at the House drunk and filthy. When they offer to help the girl get cleaned up and the offer is accepted, they realize the help that has been given to them by their friends. The learning to live within limits which they choose to accept, the sharing of a life with those about them, are strong socializing factors.

There is a value too for all those connected with the residence, clients, staff and volunteers, to recognize the contribution which each is making to the life of the House and to learn a new appreciation of each other. This is the way that barriers are broken down and understanding is developed.

Conclusions

As has already been indicated, this project is still in the experimental stage. We are all still learning from it. We do not make great claims for what it has done though we know that much benefit has resulted from it. The very needs which it is meeting are in turn revealing greater and more serious situations in our community which need to be met.

From this experiment we hope that we will all gain greater insight into the complex problems relating to the rehabilitation of those who have come into conflict with the law. We hope that the girl in the House will feel that she is in a real home and that as a result of her experience in the House she will want to establish her own home where love, acceptance and happiness are the motivating forces.

Mademoiselle Haslam décrit l'expérience réalisée par la Toronto Elizabeth Fry Society *en vue de fournir des logements en groupe aux délinquantes mises en liberté.*

SOURCEBOOK ON PROBATION, PAROLE AND PARDONS. By Charles L. Newman. Springfield: Charles C. Thomas, 1958. pp. 334. Price $8.25.

This collection of articles by almost exclusively United States authors attempts to survey what has been done, what is being done and what needs doing in the field of probation, parole and pardons.

There is a very good introductory section on the origins, history and developments in the field. This section is yet another illustration of the resistance that society shows to cultural modifications. (Probation, although one hundred and forty years old, is still unacceptable in many courts and by sections of the public.)

Throughout the book there is abundant evidence of the "veritable clash of procedures, philosophies and objectives" that come into operation after a person is convicted—a confusing diversity of sentencing and treatment procedures seen not only among nations but also, in many cases, within these nations. In Canada we can be thankful that we have at least a unified system of parole procedure when compared with the situation in the separate states in the U.S.A. Chaos, unfortunately, is still otherwise the order (or disorder) in Canada with regard to most municipal and provincial methods of dealing with convicted offenders. The chapter dealing with the Legal Rights of Prisoners and, for example, the survival still of the primitive penalty of civil death for certain offenders, shows some of the chaos mentioned.

A Canadian today, on reading in this book of how private views of pardoning authorities affect the commutation of death sentences, must think at once of Canada's present Prime Minister. In the over-all picture in the U.S. today, following a death sentence, "about one in four or five obtained a commutation of life imprisonment". This was about the same ratio in Canada when the Diefenbaker Government took over. Since then the ratio in this country has been reversed—an indication of the impact of private views on the "historical evolution of the correctional process".

There is sound guidance in this book on who should be chosen as probationers or parolees, and, equally importnt, who should be chosen as agents in these services. Academic fitness is by no means enough for such positions.

Some of the cross-fertilization problems between social work and correctional work (the authority relationship, for example) are discussed. The multi-discipline approach to assisting in social adjustment is stressed.

The chapter on predicting post-parole adjustments may be disillusioning to many readers. Apparently the results so far have been disappointing to prediction enthusiasts and should be so if it is true that innate hunches are probably as good as anything done to date by way of "scientific" prediction.

The question of whether or not the police should supervise persons granted conditional pardons (sometimes called "Freedom—on a String") is taken up historically at the beginning of the book, and in the concluding chapter which is taken from the United Nations' publication on Parole and After-care. The United Nations' summary of the international picture is that "as data from various countries clearly show, police supervision is generally disapproved nowadays; a view based on the unsuitability of the police for this kind of work".

There will be a tendency for many readers, after finishing this book, to feel that to be a successful worker in the probation field one must be, among other things, part lawyer, doctor, psychiatrist and psychologist, "authority humanized", have an almost matchless empathy, a unique "healing personality", be an expert on human behaviour and motivations, be an "effective therapist attempting to recognize the attitude, impulses and feelings of the client" and, at the same time, a mental waste basket of abnormal dimensions.

A potential parole officer's difficulties are not lessened when he reads also that the best prisoners are often the worst parolees; that the first offender may sometimes be an habitual offender or even a most dangerous criminal; that "stoolies" are mostly good workers and generally have a very good front; that a prisoner's desire for self-improvement "may be proof of cleverness that makes him a greater menace to the public than his fellows".

Summarily, this volume has considerable value as a text and reference book for pre-service and in-service training of correctional workers and for anyone who has occasion to address those of the public who have more than casual interest in the subject of substitutes for prison. Once read, it is likely that this book will be turned to frequently for foundation, fact and focus.

JOHN ARNOTT

John Howard Society
Halifax, Nova Scotia

THE PRISON COMMUNITY. Par Donald Clemmer. New York: Rhinehart and Co., Inc. 1958. pp 341.

Cet ouvrage touche à trois courants de la recherche en criminologie. C'est d'abord une étude sociologique. La prison y est vue comme une société en miniature où l'on peut observer les phénomènes de la société normale, mais selon des conditions et des modalités particulières.

En second lieu, c'est une étude d'organisation sociale. Les sociologues s'intéressent depuis longtemps aux différents types d'organismes sociaux, tels les phénomènes d'administration industrielle, de la hiérarchie militaire ou de l'organisation hospitalière. Ainsi, le domaine des prisons et pénitenciers est propre à favoriser l'éclosion d'événements, tels les émeutes, en raison même du type d'organisation qui y existe.

Enfin, cet ouvrage est surtout une étude de la prison en elle-même, pouvant être d'une grand intérêt autant pour le législateur que pour ceux qui y travaillent à quelque titre que ce soit. Même si certaines améliorations ont eu lieu depuis vingt-cinq ans, les aspects fondamentaux de la vie en prison sont toutefois demeurés à peu près les mêmes. Condamnations moins longues, meilleure nourriture, amorce de traitements favorisant la réhabilitation ont amélioré le sort des détenus, mais les relations interindividuelles, la vie de groupe, la mentalité des détenus posent des problèmes humains où les politiques des autorités pénitenciaires ne sont pas sans jouer leur rôle.

Les prisons se sont agrandies, de nouveaux services ont été introduits sans souci d'intégration véritable. L'objectif des prisons est encore de garder les détenus pour la sécurité de la société et le succès d'une prison est encore apprécié en termes d'absence de troubles ou d'émeutes. Toute l'organisation a pour but premier de contrôler la masse des détenus. L'auteur qui a analysé ces phénomènes depuis trente ans, constate peu de changements en définitive.

D'après lui, six institutions sur dix ont les mêmes caractéristiques que celles qu'elles présentaient il y a trente ans. Malgré une part d'améliorations en certains domaines, les anciens schèmes demeurent. Même les prisons modernes ne sont pas venues à bout des forces sous-jacentes du milieu pénitenciaire qui font plus de mal que les meilleurs programmes ne font de bien.

D'autres chapitres étudient la composition de la population des prisons, la nature des relations sociales entre les détenus et leurs réactions en tant que groupe, l'utilité du travail et des loisirs, la promiscuité et ses inconvénients sexuels et le dernier chapitre porte sur une étude des attitudes de la société à l'égard du détenu. En appendices, on trouve des schèmes d'enquêtes, des questionnaires, un glossaire de 1200 mots de l'argot des prisons, le tout suivi d'un index alphabétique.

Les données de cet ouvrage ont été l'occasion de maintes réformes depuis 30 ans, la majorité des conclusions pratiques attendent encore leur réalisation. La réédition de cette étude de base et sa mise à date lui laissent toute sa valeur.

DR. GASTON GAUTHIER

Clinique d'Aide à l'Enfance
Montréal, P.Q.

BORSTAL BOY. By Brendan Behan. Toronto: Nelson, Foster, Scott, 1958. pp. 343. Price $3.50.

In the past few years there have been many books of prison reminiscence written, but never one like this. Where by far the greater number of prison autobiographies start with a rationalisation of, or an apology for, the original offence, and end with an indictment of penal systems, Behan glories in his crime and ends with a pleasing tribute to the Borstal system. Where most ex-prisoners' chronicles are dreary, unimaginative and pessimistic, this one is lively, vivid and cheerful; where others lack literary style, Behan has all the narrative ability one might expect from a fellow reared on Yeats, Stephens, and O'Raftery, and steeped in Celtic romanticism.

In 1939, the then sixteen year old Behan was arrested in Liverpool for attempting to blow up a ship on behalf of the Irish Republican Army. Receiving a three-year sentence, he spent time first at Walton Jail on remand, then at a Borstal classifying centre and finally at an open Borstal. The book is divided into three parts, each part dealing with his experiences in one of the three institutions.

The first part deals with Walton and this is where even the author's keen sense of humour cannot minimize the ugliness and the brutality. There is a grim account of an unofficial and sinister beating up of one inmate when two prison officers take the law into their own hands. The inhumanity of one inmate to another, the abuse heaped upon inmates by officers and the general air of debasement would have broken a lesser man, but through all the rude buffetings Behan preserves that spark of detachment possessed by the true artist.

The open Borstal is not reached until we are over half way through the book and provides a sharp contrast to the jail experience. Here, too, there is discipline, but it is reasonable and fair and administered by officers employed to help their charges, not subdue them; the mutual trust and respect which develops between Behan and his captors through the latter's

constantly expecting the best of him is remote from the atmosphere of mutual suspicion at Walton. Even against his own will, he finds his hatred of the British dying, his rebelliousness cooling and when a boy runs away he comments, "Honest to God I was sorry in a way. And a bit ashamed of anyone getting out of the clutches of the British Government. But these weren't such bad clutches as clutches go. Now if it had been Walton, I'd have laughed myself sick over the old Chief, the turkey faced bastard nearly exploding, and even the screw getting a half sheet (unsatisfactory report) over it would have been enjoyable".

Implicit rather than explicit is the impression that at the Borstal the environment is manipulated to give the boys the opportunity of finding self-respect and a sense of adequacy, and the chance to earn the respect and acceptance of others. The house system, the honour system, the incentive system, all made their impression. The Matron, more than any other staff member, worked in a truly educative fashion with the boys and the case for more female staff in boys' institutions is a cast-iron one from this account alone. Luck, as usual, played its part. Stumbling across and reading Collis' *The Silver Fleece* and *Under The Greenwood Tree,* like so many other chance occurrences at the most impressionable age, obviously left its mark. By chance or design, however, the fact remains Behan left home a boy and returned three years later a man in the real sense of the word.

One cannot expect a story like this to read like a chapter from Emily Post, and one needs a tough stomach to digest the language which even in this day of familiarity with obscenity in literature is frightful. There is so much of it that after initially shocking, then offending, eventually becomes merely tiresome—but it is the only tiresome feature of the book.

The author has an amazingly accurate ear and observant eye. His dialects—Irish, Durham, Yorkshire, Cockney—are most faithfully reproduced and his character sketches of his fellow inmates are quite remarkable. The net result is three pictures: one of prisons and Borstal; one of adolescence with its peaks and troughs, its hilarious group exploits and individual pathos, its self-assurance and its insecurity; and last, and most vivid, a picture of Behan himself—sometimes overdrawn, larger than life, almost a stage-Irishman—but an interesting picture nevertheless.

DON SINCLAIR

Ontario Training School for Boys
Guelph, Ontario

GUIDES FOR SENTENCING. By the Advisory Council of Judges of the National Probation and Parole Association. New York: Carnegie Press, Inc. 1957. pp. 94. Price $2.00.

This book is the product of the pooling of the intellectual resources of the Advisory Council of Judges established in 1953 as an integral body of the National Probation and Parole Association of the United States of America. The authors state that inasmuch as probation service is an indispensable condition of proper sentencing which is itself the crux of the whole process of administering justice the court is *entitled* to probation service because of the grave responsibility of the judge in passing sentence. No reader could fail to be impressed by the modesty of this demand.

The Council's appreciation of the individual in his own right even when he is in wrong, and its synchronous allegiance to society despite an acute awareness of the limitations of society's institutions and services dedicated to the reform of the public offender, if not prognosticating the judge as the Messiah of mental health, the compromiser of soul, science, and society, at least mitigates the unsavoury certainty that man needs must sit in judgment of his fellow.

The book has one glaring flaw. It addresses itself to "judges, lawyers, and laymen". It should be the property of each who cherishes and chides his brother. You read it.

STAN COOK

Department of Reform Institutions
Toronto

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